



NOTICE OF HEARING

January 15, 2025

Samantha Ramirez Martinez
6450 SE Duke St.
Portland, OR 97206

RE:: County of Clackamas v. Samantha Ramirez Martinez
File: V0026323

Hearing Date: February 25, 2025

Time: This item will not begin before 10:30am 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 Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, 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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform, a copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist.

If you would like to present evidence at the Hearing please email or mail your evidence to Shane Potter 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 Shane Potter at 503-742-4465 **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

Join from PC, Mac, iPad, or Android:

<https://clackamascountry.zoom.us/j/85400472322?pwd=9Qk5WraLPbbL76ACingM1joMCSaLjp.1>

Passcode:630379

Phone one-tap:

+14086380968,,85400472322# US (San Jose) 16694449171,,85400472322# US

Join via audio:

+1 408 638 0968 US (San Jose)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

Webinar ID: 854 0047 2322

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 COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

Petitioner,

v.

SAMANTHA RAMIREZ MARTINEZ,

Respondent.

FILE NO(S): V0026323

COMPLAINT AND REQUEST FOR HEARING

I Shane Potter, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' mailing address is: 6450 SE Duke Street, Portland, OR 97206.

2.

The Respondent own/owns or occupies the address or location of the violation(s) of law alleged in this complaint 11600 S Emerson Rd., also known as T4S, R1E, Section 24D, Tax Lot 01700, the property is zoned Exclusive Farm Use (EFU) and is the location of violation(s) asserted by the County.

3.

On or about the 13th day of December, 2023, and on or about the 8th day of February, 2024, the Respondent violated the following laws, in the following ways:

Title 10 of the Clackamas County Solid Waste and Wastes Management Code Section 10.03.060. This is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

Title 9 of the Clackamas County Excavation Building Code Section 9.03.030. This 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 of the Department of Transportation and Development.

5.

Notice of the violation was given to Respondent in the following manner: Violation Notice dated December 13, 2023 and Citation and Complaint #2300263-1 on February 28, 2024. A copy of the notice documents is attached to this Complaint as Exhibits D and F, and incorporated by this reference.

6.

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

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

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissions. Said range for a Priority 4 for a Solid Waste and Wastes Management violation being \$100.00 to \$1,000.00 and a Priority 1 for a Grading violation being \$750.00 to \$3,500.00 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; and

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

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

DATED THIS 10th day of January, 2025

A handwritten signature in black ink, appearing to read "Shane Potter". The signature is fluid and cursive, with a large, sweeping initial "S" and a distinct "P" for "Potter".

Shane Potter
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

CLACKAMAS COUNTY,

Petitioner,

v.

SAMANTHA RAMIREZ MARTINEZ,

Respondent.

File No.: V0026323

STATEMENT OF PROOF

History of Events and Exhibits:

Exhibit A	Respondents' mailing address is 6450 SE Duke Street, Portland, OR 97206, also known as T4S, R1E, Section 24D Tax Lot 01700, EFU (Exclusive Farm Use). Exhibit A page 1 is a 2018 aerial, page 2 is a 2023 aerial and pages 3 through 8 show closeups of the property starting along Emerson Rd. and moving south towards the end of the subject property.
September 15, 2023	Clackamas County received a complaint about an occupied accessory structure, occupied recreational travel trailer and grading/fill work completed without permits.
November 30, 2023 Exhibit B	Code Enforcement Specialist (CES) Shane Potter performed a site visit and identified several piles of mixed debris on site. The debris included tires, plastics, vegetation and other unknown solid waste items. There were vehicles on site, however there was no substantial evidence obtained showing an occupied accessory dwelling and/or an occupied recreational vehicle.
December 8, 2023 Exhibit C	CES Potter received photos from complainants showing truckloads of dirt being dumped on site.
December 13, 2023 Exhibit D	A Notice of Violation was issued to the Respondent seeking compliance by January 13, 2024. The notice was mailed first class mail, and the mail was not returned.
February 8, 2024 Exhibit E	CES Potter performed a site visit and found piles of debris remained on site.

February 28, 2024 Exhibit F	Citation #2300263-1 issued for piles of solid waste that have remained on site along with new items and additional solid was being accumulated and for a substantial amount of dirt brought onto the site and no grading permit has been obtained for this work. The citation was mailed first class mail, the mail was not returned, and the citation has not been paid.
March 16, 2024 Through April 8, 2024 Exhibit G	Series of emails between the Respondent Samantha and CES Potter regarding where they are in the process and what needs to be done to get into compliance.
April 25, 2024 Exhibit H	CES Potter performed a site visit, and the piles of debris remained on site.
August 6, 2024, September 4, 2024, & September 5, 2024 Exhibit I	CES Potter received photos from complainants showing the difference in height the property has raised over time.
November 6, 2024 Exhibit K	CES Potter performed a site visit and there were still piles of debris on site. The site did appear cleaner than in past visits, but still not in compliance.
December 16, 2024	CES Potter researched permits to see if a grading permit has been applied for. There is a permit for grading work around the access point to the site, but not a grading permit for fill and grading work done on other parts of the site.
December 30, 2024	The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the solid waste and wastes management code and excavation and grading code exists on the subject property, the County would request a Final Order be issued requiring the Respondent:

- Payment of Citation #2300263-1 for \$600.00.
- The imposition of civil penalties of up to \$1,000.00 for a solid waste violation and up to \$3,500.00 for a grading violation for a total of up to \$4,500.00.
- The administrative compliance fee to be imposed from December 2023. As of the date of this report the administrative compliance fee was \$900.00. There was inactivity for a reduction making the total request for administrative compliance fees due of \$750.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.



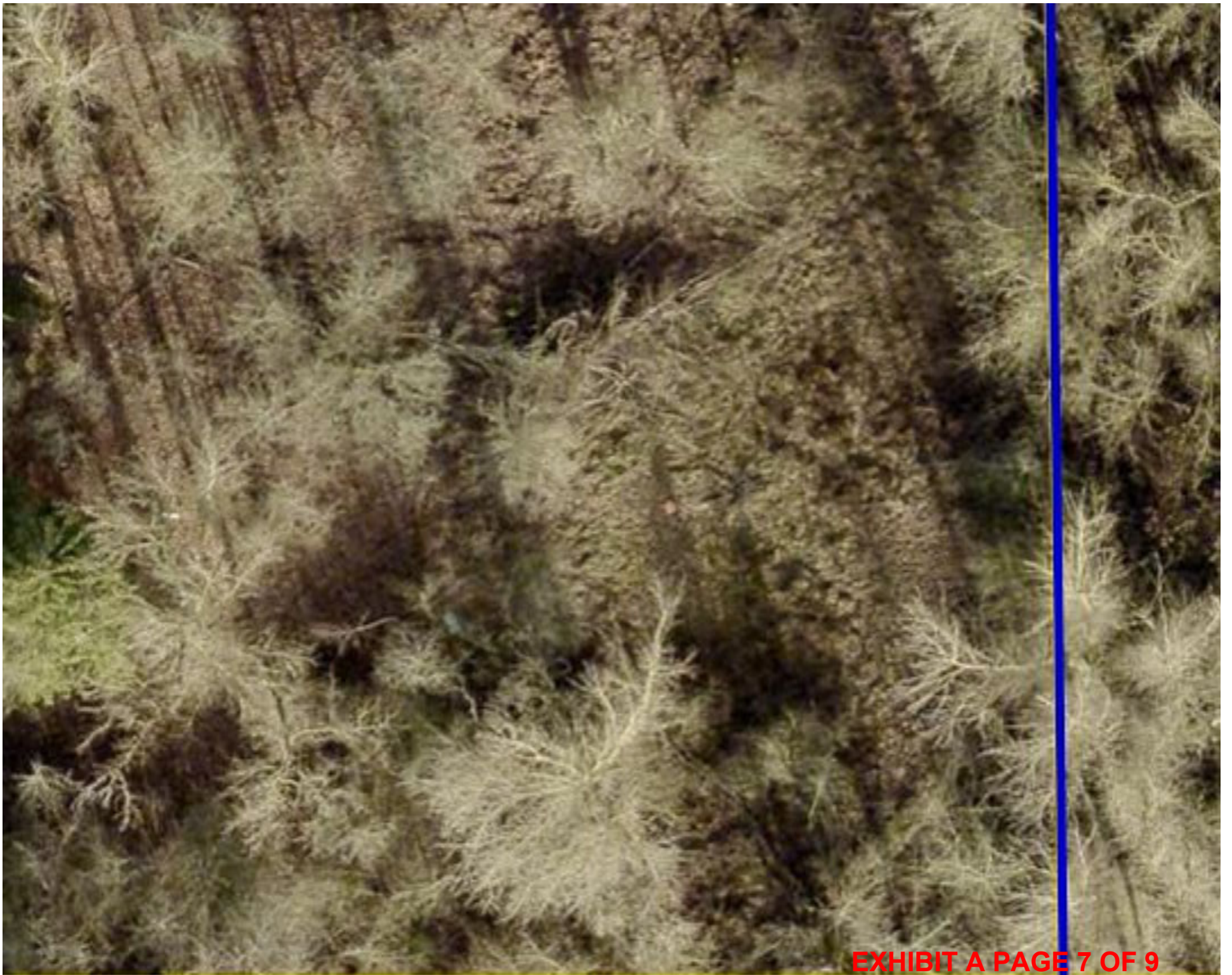














[Property Search \(/default.aspx\)](#) / [Search Results \(/results.aspx\)](#) / [Property Summary](#)

Property Account Summary



Account Number	01015412	Property Address	11600 S EMERSON RD , CANBY, OR 97013	
General Information				
Alternate Property #	41E24D 01700			
Property Description	Section 24 Township 4S Range 1E Quarter D TAX LOT 01700			
Property Category	Land &/or Buildings			
Status	Active, Locally Assessed			
Tax Code Area	035-013			
Remarks				
Tax Rate				
Description	Rate			
Total Rate	13.4895			
Property Characteristics				
Neighborhood	12164: Mulino all other			
Land Class Category	401: Tract Land Improved			
Acreage	3.14			
Change property ratio	4XX			
Related Properties				
No Related Properties Found				
Parties				
Role	Percent	Name	Address	
Taxpayer	100	MARTINEZ SAMANTHA RAMIREZ	6450 SE DUKE ST, PORTLAND, OR 97206	
Owner	100	MARTINEZ SAMANTHA RAMIREZ	6450 SE DUKE ST, PORTLAND, OR 97206	
Property Values				

















DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

December 13, 2023

Violation No.:V0026323

Samantha Ramirez Martinez
6450 SE Duke St.
Portland, OR 97206

RE: CLACKAMAS COUNTY CODE SECTIONS ADDRESSED IN VIOLATION: No.: V0026323

1. CLACKAMAS COUNTY CODE TITLE 10: FRANCHISES – CHAPTER 10.03: SOLID WASTE AND WASTES MANAGEMENT – CHAPTER 10.03.060 (A, B.4, B.7, B.9, AND B.11): SOLID WASTE OR WASTES ACCUMULATION PROHIBITED
2. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12: SECTION 400: NATURAL RESOURCE DISTRICTS – SECTION 401: EXCLUSIVE FARM USE (EFU) - SECTION 401.04: USES PERMITTED
3. CLACKAMAS COUNTY CODE TITLE 9: BUILDINGS – CHAPTER 9.02: APPLICATION AND ENFORCEMENT OF THE CLACKAMAS COUNTY BUILDING CODE – CHAPTER 9.02.040(A, B, C,D, & E): CLACKAMAS COUNTY BUILDING CODE
4. CLACKAMAS COUNTY CODE TITLE 9 BUILDINGS – CHAPTER 9.02: APPLICATION AND ENFORCEMENT OF THE CLACKAMAS COUNTY BUILDING CODE – CHAPTER 9.02.040(J): CLACKAMAS COUNTY BUILDING CODE AND CHAPTER 9.03: EXCAVATION AND GRADING – CHAPTER 9.03.030: PERMITS REQUIRED, EXCEPTIONS

SITE ADDRESS: 11600 S Emerson Rd., Canby, OR 97013
LEGAL DESCRIPTION T4S, R1E, SECTION 24D, TAX LOT 01700

Dear Samantha Ramirez Martinez

We have received complaints and reviewed the complaints and found new violations to exist on the site. There is solid waste on site including vehicles, parts, tires, and other items mostly on the back portion of the property. There also has been a substantial amount of dirt/fill brought in without the benefit of a grading permit. There appears to be someone living in at least one of the permitted accessory buildings which would require land use review and approval. And there is electric coming from one of the buildings which no permit could be found. To abate these violations you must complete the following **NO LATER THAN: January 13, 2024**

Solid Waste throughout the Site

1. Solid waste exists throughout the site, mostly in the back and along the sides, through vehicles, parts, tires, and other miscellaneous debris. Abate the violation by the deadline listed above by:
 - a. Remove all putrescible waste (such as food scraps, sewer, and other debris that create a health hazard), solid waste, including but not limited to, automotive parts, tires, appliances, equipment, furniture, scrap metal, and miscellaneous debris to an authorized disposal facility. All putrescible waste must be stored in a

rodent proof container with tight-fitting lid and removed to an authorized disposal facility a minimum of once every 7 days. Covering solid waste with a tarp does not remove the items from violation. For a definition of solid waste please go to Title 10.03.030 (59), and/or;

- b. Place the items that you wish to keep code compliant, by screening them from view or placed within a compliant structure for such use.

There is Storage Occurring on Site

1. There is currently storing of some materials and equipment for a business on site. The location cannot be a storage yard for these types of uses without first obtaining land use approval. You may choose to cease any commercial activity, or;
2. There may be a path forward through the Land Use review process. Please contact the Clackamas County Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us to discuss your options. If you choose to go through the Land Use process you must make application to the Planning and Zoning Division by the deadline listed in this letter.
 - a. If you are required to go through a Pre-Application Conference first you must submit the pre-application materials by the deadline listed above. You must then follow up with the formal application within 30 days following the staff letter providing an overview of the Pre-Application Conference.
 - b. If either the Pre-Application Conference application and/or the Land Use application is deemed incomplete you will have 30 days from the date of the Incomplete Letter to provide a complete application to continue the review process.

Use of Accessory Buildings as Dwellings

1. There are buildings on site that have been permitted either as an ag exemption and an accessory building. However there appears to be at least one of the buildings being occupied for periods of time. This use would require land use approval and further require building permits for this use. If you choose to maintain this use you will need to work with the Planning and Zoning Division at the numbers listed above to determine if the site allows for the construction of a residence, and if approval occurs;
2. Submit technically complete plans, permits and supporting documents to the Building Codes Division. We encourage you to reach out to discuss the permitting process by calling 503-742-4240 or by email at bldservice@clackamas.us.
 - a. If it is determined that the application is incomplete and additional materials are required you must submit that documentation within 30 days of the date of the notification of being complete.
 - b. Once the permit has been approved you have 10 days to pick the permit up and pay all fees required.
 - c. Within 45 days of the date the permit is issued obtain all inspections including a final inspection.

Extensive Fill and Grading has Occurred Without Permits

1. No person shall do any excavation, grading or earthwork construction requiring a permit without first having obtained a permit unless it is exempted as spelled out in the code. Performing such work without a permit constitutes a violation of the Clackamas County Building Code and Grading and Excavation Code.

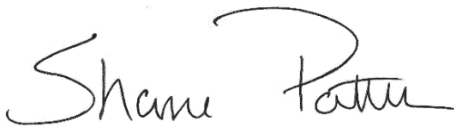
- a. Submit the grading permit packet including the application(s) and technically complete plans to the Clackamas County Building Codes Division (permitting) and pay the appropriate fee(s).
 - 1) If it is determined that the permit application is incomplete for review by the Building Codes Division you must submit the missing materials within 30 days of being notified of such additional requirements.
 - 2) Fees must be paid in full within 10 days of being notified by the Building Codes Division.
 - 3) 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).
- b. We encourage you to reach out to the Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us to discuss other options that may not be listed in this report.

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

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties
- Solid Waste Code



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

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









Citation No.: 2300263 - 1

Case No.: V0026323

ADMINISTRATIVE CITATION

Date Issued: February 28, 2023

Name and Address of Person(s) Cited:

Name: Samantha Ramirez Martinez
Mailing Address: 6450 SE Duke St.
City, State, Zip: Portland, OR 97206

Date Violation(s) Confirmed: February 8, 2024, the person cited committed or allowed to be committed, the violation of law described below, at the following address:

Address of Violation(s): 11600 S Emerson Rd., Canby, OR 97013

Legal Description: T4S, R1E SECTION 24D, Tax Lot 01700

Law(s) Violated

- ☒ Chapter 9.03 of CCC Excavation and Grading, Section 9.03.030
- ☒ Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030

Description of the violation(s):

- 1) Piles of solid waste have remained on site along with new items and additional solid waste being accumulated.

Maximum Civil Penalty \$1,000.00 Fine \$100.00

- 2) There has been a substantial amount of dirt brought onto the site and no grading permit has been obtained for this work.

Maximum Civil Penalty \$3,500.00 Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. 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 \$75.00 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: Shane Potter Date: February 28, 2024
Telephone No.: 503-742-4465 Department Initiating Enforcement Action: Code Enforcement

V0026323 – 11600 S Emerson Rd.

PLEASE READ CAREFULLY!

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

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

Options:

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

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: _____

From: [Samantha Ramirez Martinez](#)
To: [Potter, Shane](#)
Subject: Re: 11600 S Emerson rd
Date: Monday, April 8, 2024 6:13:14 PM
Attachments: [image003.jpg](#)
[image002.jpg](#)

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

Violations are clear can you come out and confirm

On Thu, Apr 4, 2024 at 2:34 PM Samantha Ramirez Martinez <betoandsonslc@gmail.com> wrote:

We are here clearing violations and neighbors are harassing taking photos ect. It's becoming way too much. Not sure why she is constantly complaining on us. Have you guys not been out to her property and all the things that are on their property ?

On Sat, Mar 30, 2024 at 3:49 PM Samantha Ramirez Martinez <betoandsonslc@gmail.com> wrote:

1. Operating a business without land use approval – From my site visits there has been removal of equipment on some visits and there has been equipment at other times. This is the one that went to hearing.

I am being told that asphalt is still being dumped on site which is a violation and needs to cease if this is occurring.

That will be cleaned and taken care of

2. Solid Waste – last time out there was piles of debris around the site including miscellaneous debris and tires.

Remove all solid waste from the site including all tires, machinery and other solid waste throughout the site.

Will remove as well

3. Grading without permits – There has been substantial amounts of dirt brought in without obtaining a grading and erosion control permit.

Submit permits to the Building Codes Division for grading work done throughout the site.

All that will be hauled away

4. Residential use in an accessory building without proper permits and/or land use approval. – There has not been evidence obtained to support this complaint.

Cease occupying all outbuildings and obtain permits for any work done in those buildings.

There is no residential use we have moved our business somewhere else

On Fri, Mar 29, 2024 at 11:39 AM Potter, Shane <SPotter@clackamas.us> wrote:

Hi Samantha,

You need to resolve each of the issues below. I have added a response to each one on how to resolve. Also I am now getting reports of someone living on site which is also not allowed as this has not been approved for a residence as far as my records show. Please let me know about this issue.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

[150 Beaver Creek Rd., Oregon City, OR 97045](#)

Primary Phone: 503-742-4465

spotter@clackamas.us

www.clackamas.us

Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>

Sent: Friday, March 29, 2024 8:14 AM

To: Potter, Shane <SPotter@clackamas.us>

Subject: Re: 11600 S Emerson rd

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

What do I need to do to clear violations

On Mon, Mar 18, 2024 at 2:14 PM Samantha Ramirez Martinez
<betoandsonslc@gmail.com> wrote:

Thank you.

On Mon, Mar 18, 2024 at 2:13 PM Potter, Shane <SPotter@clackamas.us> wrote:

1

Hi Samantha,

The violations we have addressed on the property to date are:

1. Operating a business without land use approval – From my site visits there has been removal of equipment on some visits and there has been equipment at other times. This is the one that went to hearing.

I am being told that asphalt is still being dumped on site which is a violation and needs to cease if this is occurring.

2. Solid Waste – last time out there was piles of debris around the site including miscellaneous debris and tires.

Remove all solid waste from the site including all tires, machinery and other solid waste throughout the site.

3. Grading without permits – There has been substantial amounts of dirt brought in without obtaining a grading and erosion control permit.

Submit permits to the Building Codes Division for grading work done throughout the site.

4. Residential use in an accessory building without proper permits and/or land use approval. – There has not been evidence obtained to support this complaint.

Cease occupying all outbuildings and obtain permits for any work done in those buildings.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

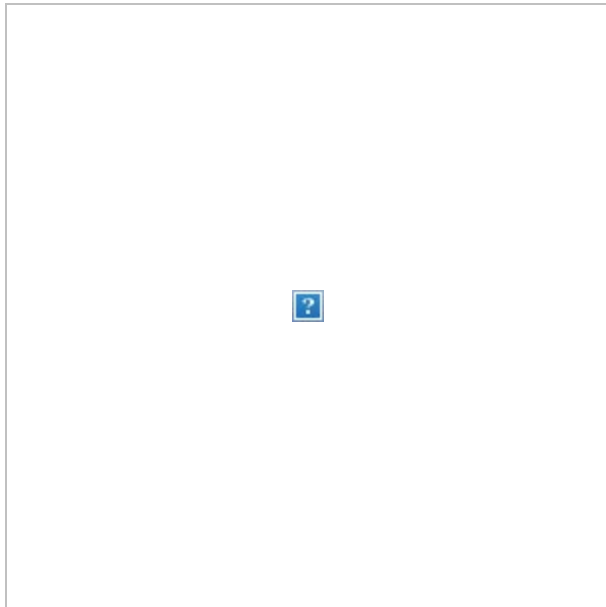
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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>

Sent: Monday, March 18, 2024 1:59 PM

To: Potter, Shane <SPotter@clackamas.us>

Subject: Re: [11600 S Emerson rd](#)

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

I'm trying to figure out if you can send me a list of violations that were made sense we first made contact. Trying to sell property and realtor is asked.

On Mon, Mar 18, 2024 at 11:49 AM Potter, Shane <SPotter@clackamas.us> wrote:

Hi Samantha,

I do not see where the solid waste and grading issues have been addressed. My last site visit on February 8, 2024 still shows this to exist.

As far as what the property can be used for I am unsure what you are referring to. If you are wanting to know the possible uses on the property you will want to reach out to the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

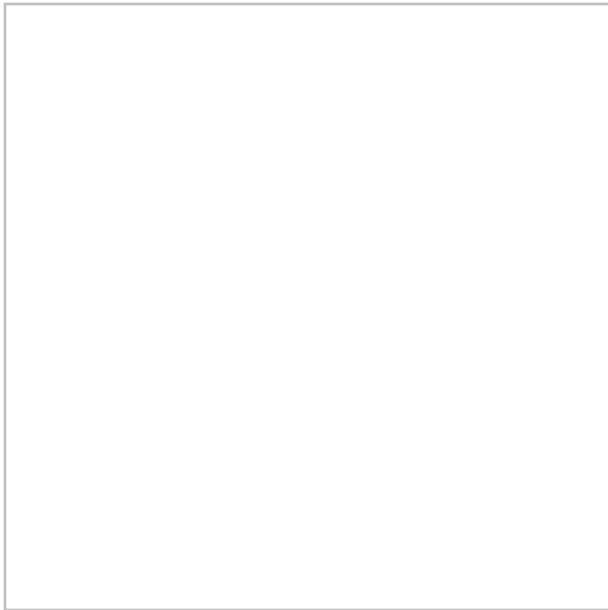
[150 Beavercreek Rd., Oregon City, OR 97045](https://www.clackamas.gov/150-Beavercreek-Rd.-Oregon-City-OR-97045)

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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>

Sent: Friday, March 15, 2024 9:41 AM

To: Potter, Shane <SPotter@clackamas.us>

Subject: [11600 S Emerson rd](#)

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

We have moved everything that was violating codes off of the property but I am curious if you can send me over the documents that you guys told me I was in violation of I'm trying to sell the property so I wanna know what the property can be used for

From: [Samantha Ramirez Martinez](#)
To: [Potter, Shane](#)
Subject: Re: 11600 S Emerson RD
Date: Thursday, May 30, 2024 5:06:36 AM
Attachments: [image003.jpg](#)
[image004.jpg](#)
[image002.jpg](#)

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

No one lives on this property we have our boat here and a car here which I didn't think was an issue to even have here at this property.

On Wed, May 29, 2024 at 3:00 PM Potter, Shane <SPotter@clackamas.us> wrote:

Hi Samantha,

I have included a couple of photos here for your review. This was from my site visit on 4/25 of this year. There are several piles of debris around the back of the site. Also there remains a large amount of grading most notably along the property line with the adjoin neighbor where it shows a considerable increase in the height of the property from where it was some time ago. It is noticeable if you go behind the buildings.

Also there still appears to be someone living in the yellow building. There are cars a boat and even a vehicle that appears to be being worked on.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

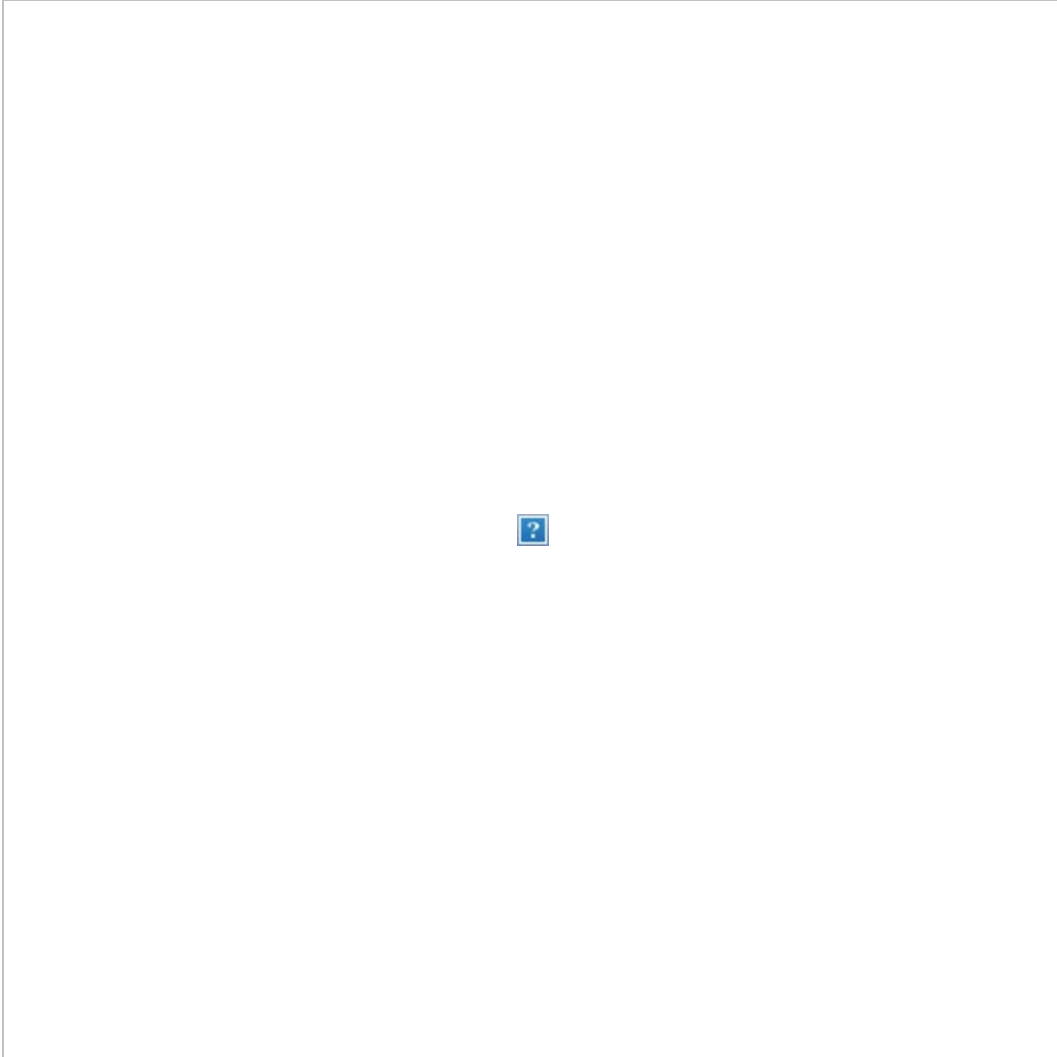
[150 Beaver Creek Rd., Oregon City, OR 97045](#)

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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>

Sent: Friday, May 17, 2024 8:27 AM

To: Potter, Shane <SPotter@clackamas.us>

Subject: Re: 11600 S Emerson RD

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

We already removed all the stuff so I'm confused

On Thu, May 16, 2024 at 1:59 PM Potter, Shane <SPotter@clackamas.us> wrote:

Hi Samantha,

I did a site visit on the 25th last month and there remained piles of debris and the grading throughout the site that has been brought in had not been removed. At this point I will be moving this file to hearing status and will prepare a hearing packet in the near future to address this issue. If you can get this property into compliance by removing or obtaining the appropriate permits before the hearing packet has been prepared we will be able to avoid the hearing.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

[150 Beaver Creek Rd., Oregon City, OR 97045](#)

Primary Phone: 503-742-4465

spotter@clackamas.us

www.clackamas.us

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From: Potter, Shane

Sent: Tuesday, April 16, 2024 7:21 AM

To: 'Samantha Ramirez Martinez' <bettoandsonslc@gmail.com>

Subject: RE: [11600 S Emerson RD](#)

Hi Samantha,

I have tentatively scheduled a site visit for a week from Thursday (25th). I will check on the site then and get back to you.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

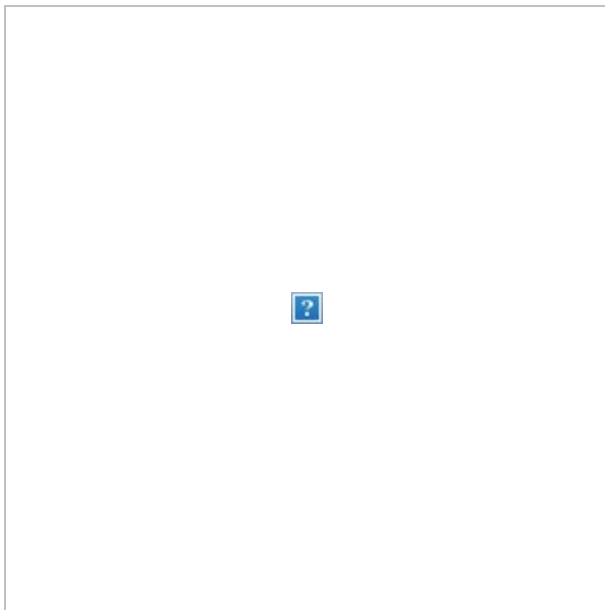
[150 Beaver Creek Rd., Oregon City, OR 97045](#)

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Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>

Sent: Tuesday, April 16, 2024 7:18 AM

To: Potter, Shane <SPotter@clackamas.us>

Subject: 11600 S Emerson RD

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

The violations have been taken care of. Can you please verify this

From: [Samantha Ramirez Martinez](#)
To: [Potter, Shane](#)
Subject: Re: 11600 S Emerson RD
Date: Friday, August 2, 2024 11:00:40 AM
Attachments: [image003.jpg](#)
[image002.jpg](#)

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

I'm trying to sell property could you mail me a documentation of what the has been mailed to me of violations ect

On Fri, Aug 2, 2024 at 9:51 AM Samantha Ramirez Martinez <betoandsonslc@gmail.com> wrote:

Thank you for getting back to me!

On Fri, Aug 2, 2024 at 9:51 AM Potter, Shane <SPotter@clackamas.us> wrote:

Hi Samantha,

No I have not had a chance to get back out there for an inspection yet.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

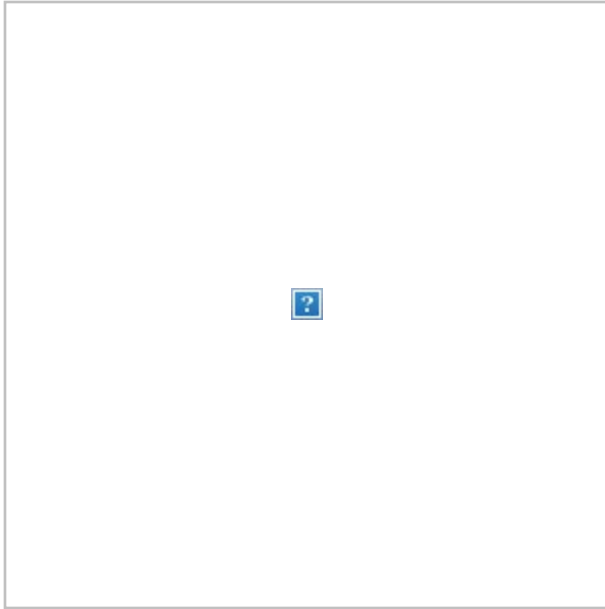
[150 Beaver Creek Rd., Oregon City, OR 97045](#)

Primary Phone: 503-742-4465

spotter@clackamas.us

www.clackamas.us

Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>

Sent: Friday, August 2, 2024 9:40 AM

To: Potter, Shane <SPotter@clackamas.us>

Subject: Re: 11600 S Emerson RD

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

Any updates on if violations are clear

On Fri, Jul 26, 2024 at 10:55 AM Potter, Shane <SPotter@clackamas.us> wrote:

Hi Samantha,

The last time I was out there the issues with bringing in soil and raising the ground adjacent to neighboring properties still exists. Has that been removed?

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

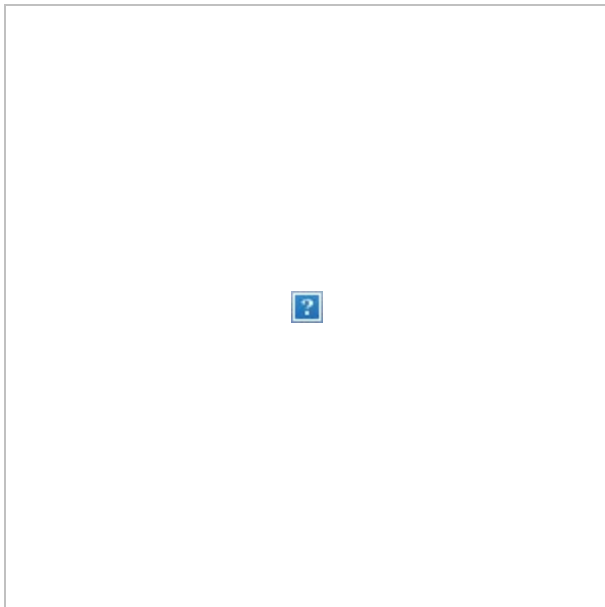
[150 Beavercreek Rd., Oregon City, OR 97045](https://www.clackamas.us/150-Beavercreek-Rd.-Oregon-City-OR-97045)

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spotter@clackamas.us

www.clackamas.us

Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



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From: Samantha Ramirez Martinez <betoandsonslc@gmail.com>
Sent: Friday, July 26, 2024 10:51 AM
To: Potter, Shane <SPotter@clackamas.us>
Subject: [11600 S Emerson RD](#)

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

We have clear up stuff I was wondering if you can go back out to see if violations are cleared please























