



## NOTICE OF RESET HEARING

February 27, 2023

Ernestine Janet Harrell  
19144 SE Moore Ln  
Eagle Creek, OR 97022

**RE::** County of Clackamas v. Ernestine Janet Harrell  
**File:** V0036720

**Hearing Date:** ~~March 28, 2023~~ **March 30, 2023**

**Time:** This item will not begin before 10:00 am however it may begin later depending on the length of preceding items.

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

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



## NOTICE OF HEARING

February 9, 2023

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19144 SE Moore Ln  
Eagle Creek, OR 97022

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Enclosed you will find the following:

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

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<https://www.clackamas.us/codeenforcement/hearings>**

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Enclosures

CC: Carl Cox -Compliance Hearings Officer



## **STATEMENT OF RIGHTS**

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

**Carl Cox**  
**Attorney at Law**  
**14725 NE 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

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 GREENHILLMORGANS@GMAIL.COM. 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 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, please call 503-348-4692 for assistance.**

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

## Department of Transportation and Development

### **Nondiscrimination Policy:**

The Department of Transportation and Development is committed to non-discrimination. For more information go to: [www.clackamas.us/transportation/nondiscrimination](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.

ERNESTINE J. HARRELL,

Respondent,

File No: V0036720

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 19144 SE Moore Ln, Eagle Creek, OR 97022

2.

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

19144 SE Moore Ln, Eagle Creek, OR 97022 also known as T2S, R3E, Section 24, Tax Lot 01102,  
and is located in Clackamas County, Oregon.

3.

On or about the 10th day of May, 2021 the Respondent violated the following laws,  
in the following ways:

- a. Respondent violated the Clackamas County Solid Waste and Waste Management Code,  
Chapter 10.03 by accumulating putrescible, non-putrescible and inoperable and/or non-  
currently licensed vehicles. This violation is a Priority 1 violation pursuant to the

Clackamas County Violation Priorities.

- b. Respondent violated the Clackamas County Zoning and Development Ordinance, Section 316 by not obtaining land use approval for occupied recreational vehicles. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.
- c. Respondent violated the Clackamas County Building Code, Section 9.02.040 by discharging untreated wastewater or septic tank effluent directly or indirectly onto the ground surface. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.
- d. Respondent violated the Clackamas County Building Code, Section 9.02.040 by creating habitable space inside the barn without permits. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violations was given to Respondent in the following manner:  
Administrative Citation #2000367-1 in the amount of \$375.00 was mailed via first class mail on May 12, 2021. A copy of the notice document is attached to this Complaint as Exhibit 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 Commissioners. Said range for a Solid Waste and Waste Management Code Priority 1 violation being \$750.00 to \$3,500.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for a Zoning and Development Ordinance Priority 2 violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for a Building Code Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code.

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

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

and

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

DATED THIS 9 day of February, 2023.

*Jennifer Kauppi*

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Jennifer Kauppi  
Code Enforcement Specialist  
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

ERNESTINE JANET HARRELL,

Respondent.

File No.: V0036720

STATEMENT OF PROOF

History of Events and Exhibits:

September 30, 2020	Clackamas County received a complaint regarding occupied recreational vehicles, solid waste and a barn that was converted to habitable space.
October 1, 2020	Code Enforcement Specialist Michael Barnes was contacted by another law enforcement agency requesting that further action on our code enforcement case be suspended until further notice. No alleged letter was sent to the Respondent.
November 20, 2020	Michael Barnes was contacted by the law enforcement agency stating that the County could resume investigating our code enforcement case.
December 7, 2020 Exhibit A	Michael Barnes met the Respondent onsite and conducted an inspection of the property. Michael confirmed that the 1 <sup>st</sup> floor of the barn had been converted to habitable space. The Respondent stated that a gentleman was living in the 2 <sup>nd</sup> floor of the barn, however, Michael could not inspect this space during the inspection as the Respondent did not have a key. In addition, household garbage, miscellaneous debris and inoperable or non-currently licensed vehicles were present. Michael also confirmed two occupied recreational vehicles by the front of the house with an additional four recreational vehicles in the back of the property. One of the recreational vehicles had the septic waste pipe discharging into the blackberry bushes.
December 14, 2020 Exhibit B	Correspondence was sent to the Respondent regarding the solid waste, building and zoning violations. All putrescible waste and the discharging of the sewage onto the ground was to be abated by December 29, 2020. The remainder of the miscellaneous debris, inoperable or non-currently licensed vehicles, occupied recreational vehicles and building code violation was to be abated by January 14, 2021.
December 17, 2020	Michael Barnes was contacted by another law enforcement agency requesting the County suspend further enforcement until notified. On January 22, 2021 we were given the approval to continue enforcement.

February 8, 2021  
Exhibit C

I conducted a site inspection. The household garbage was removed. There was one occupied recreational out front. Several other recreational vehicles remained on the property, however, they were not occupied. The waste pipe that was discharging into the blackberry bushes was removed. I conducted an inspection of the interior of the barn and confirmed structural, electrical, mechanical and plumbing permits would be required for the barn conversion to habitable space.

April 7, 2021  
Exhibit D

Temporary for Care permit Z0151-21 was applied for, however, on April 8, 2021 Senior Planner Lorraine Gonzales notified the Respondent that the application was incomplete.

May 10, 2021  
Exhibit E

Michael Barnes conducted a site inspection along with building, plumbing and electrical inspectors. All three inspectors found the barn to be in violation for unpermitted work. Michael also found putrescible waste on property in addition to miscellaneous debris and nine inoperable or non-currently licensed vehicles and occupied recreational vehicles.

May 12, 2021  
Exhibit F

Citation 2000367-1 was issued for \$75.00 for the Priority 2 Zoning and Development Ordinance violation, \$100.00 for a Priority 1 Solid Waste and Waste Management Code violation, \$100.00 for the Priority 1 Building Code violation for untreated wastewater not properly disposed of and \$100.00 for the Priority 1 Building Code violation for the habitable space created in the barn without permits. The total amount of the citation was \$375.00. The citation was sent first class mail and was not returned. The citation remains unpaid.

July 14, 2021  
Exhibit G

Temporary for Care permit Z0151-21 was approved by the County.

May 12, 2021 –  
October 11, 2022

There were several permits that had been submitted for the unpermitted work in the barn.

October 11, 2022  
Exhibit H

I conducted a site inspection. The barn in question had been completely destroyed by a fire. An additional occupied recreational had been brought onto the property. The Respondent stated that the occupant of the recreational vehicle would move into the house. I found miscellaneous debris and inoperable or non-currently licensed vehicles still onsite. I found no putrescible waste. The Respondent asked for a couple of months to try and abate the violations. I agreed to return in a couple of months.

January 31, 2023  
Exhibit I

I conducted a site inspection. I found 11 non-currently licensed vehicles on the property. There was miscellaneous debris throughout the property both in the front and back which can be seen from adjacent properties. I was told by the Respondent that she still had not settled with the insurance company regarding the barn.



February 9, 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 10.03.060 (A) and (B) exists, the County may request a Continuing Order in this matter recommending the following:

1. The Respondent be ordered to bring the property into compliance with the Solid Waste and Waste Management Code within 60 days of the date of the Order by removing or screening from view of the road and neighboring properties all miscellaneous debris including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste including the debris from the fire destroyed barn. Screen no more than 2 inoperable or non-currently licensed vehicles/trailers from view of the road or surrounding properties. All remaining vehicles, trailers and recreational vehicles must be currently licensed and operable or removed from the subject property to an authorized location.
- Code Enforcement to confirm compliance of the above item and the County will submit a post hearing status report. The report will be sent to the Compliance Hearings Officer and to the Respondent.
  - The report may include the following recommendations:
  - The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited May 10, 2021
  - The imposition of civil penalties for the Zoning and Development Ordinance violation of up to \$2,500.00 for date cited May 10, 2021
  - The imposition of civil penalties for the Solid Waste and Waste Management Code violation of up to \$3,500.00 for date cited May 10, 2021.
  - Payment for Citation No. 2000367-1 issued on May 12, 2021 for \$375.00.
  - The administrative compliance fee to be imposed from December, 2020 until the violation is abated. As of this report the total is \$1,950.00
  - The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
  - If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.













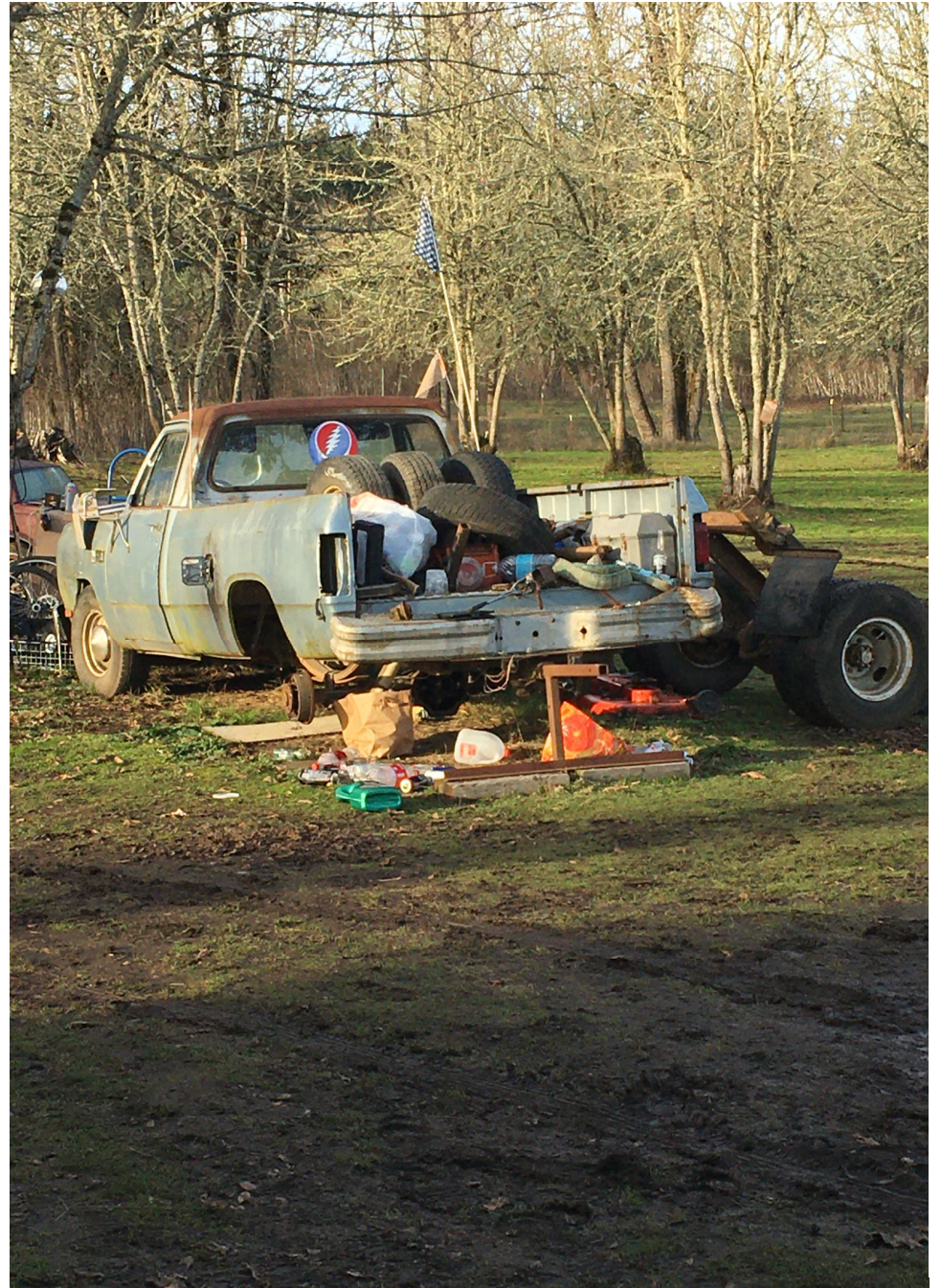






















**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

File V0036720

December 14, 2020

Ernestine Harrell  
19144 SE Moore Ln  
Eagle Creek, OR 97022

**SUBJECT: Violation of Clackamas County Solid Waste and Waste Management Code, Title 10, Chapter 10.03.060 (A) and (B); Zoning and Development Ordinance, Title 12, Section 316; and Building Code Chapter 9.02.040 (A, B, C, D, K)**

**Site Address:** 19144 SE Moore Ln, Eagle Creek OR 97022

**Legal Description:** T2S, R3E, Section 24, Tax Lot 01102

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

- Occupied recreational vehicles
- RV waste discharge
- Accumulation of solid waste including household garbage (putrescible)
- 4 or more inoperable and or not currently licensed vehicles (includes RVs)
- Livable spaces created in the barn (no change of use or other permits)
- Barn being lived in (2<sup>nd</sup> dwelling)
- Electrical without permits

**VIOLATIONS & HOW TO RESOLVE**

**Solid Waste & Inoperable and/or Not Currently Licensed Vehicles**

You are in violation of Clackamas County Solid Waste and Waste Management Code Chapter 10.03.060 (A & B). Please abate violations of the Solid Waste and Waste Management Code, as it pertains to Putrescible waste, **no later than December 29, 2020** by:

- Putrescible waste needs to be stored in a rodent proof container with a tight fitting lid and be removed from the property to an authorized disposal facility within seven (7) days.

Please ensure your property is in compliance with the Solid Waste and Waste Management Code as it pertains to non-putrescible waste and inoperable and/or not currently licensed vehicles **no later than January 14, 2021** by:

- Storing out of sight all articles of solid waste that you wish to keep and remove the remainder to an authorized disposal facility.
- Remove the inoperable and/or not currently licensed vehicles from the subject property; **and/or**
- Render the inoperable and/or not currently licensed vehicles, operable and licensed; **and/or**
- Place the inoperable and/or not currently licensed vehicles, inside a permitted structure; **and/or**
- Screen no more than two vehicles from view of the road and surrounding properties
- A site inspection will be required to confirm compliance

Please note, covering inoperable vehicles and/or solid waste with a tarp does not remove the items from violation. Inoperable vehicles and Non-putrescible waste you wish to keep, needs to be screened in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C) excerpt enclosed).

### **Occupied Recreational Vehicles & 2<sup>nd</sup> Dwelling without Land Use Approval**

An occupied recreational vehicle and a 2<sup>nd</sup> dwelling (living in the barn) without land use approval constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316. In order to abate the violations, you must complete following **no later than January 14, 2021**:

- Vacate the barn until land use approval is given and permits obtained; **And**
- Remove the recreational vehicle from your property until such time you obtain proper land use approval and permits, this use will not be allowed, **or**;
- If the recreational vehicle is operable, currently licensed and registered to the person residing on the subject property, it may remain in stored condition. If you wish to store it on site please provide evidence it meets these conditions and schedule a site inspection to confirm.



## **Building Code Violations**

Livable space has been created in the barn without land use approval or building permits. Electrical has been installed in the barn and on the lot, including to the RVs without permits. At least one RV is discharging wastewater. You are in violation of Clackamas County Building Code Chapter 9.02.040

In order to abate violation of the building code, as it pertains to the RV discharge, cease the RV discharge **no later than December 29, 2020**.

In order to abate the building code violations, please utilize one of the following options **not later than January 14, 2021**:

- Submit the building permit application(s), as applicable, for all unpermitted work to include a change of use (barn used for livable space), electrical permit, plumbing permit (as applicable), and technically complete plans and appropriate fee(s)
  - The permit must be picked up within ten days of being notified.
  - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

## **CONTACT INFORMATION**

Permits can be applied for online and staff can be reached via email to assist and/or answer questions. If you do not have email access, you can call and leave a message, but there may be a delay in response time.

Permits: Shirley [scasscrosby@clackamas.us](mailto:scasscrosby@clackamas.us) or 503-742-4758  
[bldservice@clackamas.us](mailto:bldservice@clackamas.us) or 503-742-4240

Planning (Zoning): [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) or 503-742-4500

**Code Enforcement-** If you have any questions, please contact me by e-mail at [MBarnes@clackamas.us](mailto:MBarnes@clackamas.us) or by telephone (503) 742-4759.



Michael Barnes  
Code Enforcement Specialist  
Clackamas County Code Enforcement

## **ITEMS INCLUDED IN THIS PACKET**

1. Violation Letter
2. Required Notice of Fines and Penalties
3. Copy of the Solid Waste Code

## **REQUIRED NOTICE OF FINES AND PENALTIES**

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

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.

Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered the County may file and record the order for payment in the County Clerk Lien Road.

Also, be advised that non-compliance with a Hearing Officer's Order may result in the matter being referred to County Counsel; for legal action in Circuit Court which may result in additional penalties or other sanctions.

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

Excerpts:

**10.03.06 Solid Waste or Waste Accumulation Prohibited**

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

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

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

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

### **10.03.030 Definitions**

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

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

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

Chicago Title Insurance Co.

45-461761

12  
10  
11

After recording, return to (Name, Address, Zip):

Ernestine J. Harrell

1911 SE Moore Lane  
Eagle Creek, OR 97022

Until a change is requested all tax statements  
shall be sent to the following address:

Same as above

Escrow No: 45-461761-CW

Order No: 461761

SPACE RESERVE  
FOR  
RECORDER

Clackamas County Official Records  
Sherry Hall, County Clerk

2009-063798



01341018200900637980020028

\$36.00

09/08/2009 01:53:47 PM

D-D Cnt=1 Stn=7 BARBARA  
\$10.00 \$10.00 \$16.00

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Ernestine J. Harrell who acquired title as Ernestine Janet Baker

Grantor, conveys to

Ernestine J. Harrell

Grantee, the following described real property:

SEE LEGAL DESCRIPTION ATTACHED HERETO

Before signing or accepting the 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. 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.

The true consideration for this conveyance is \$None.

(Here comply with the requirements of ORS 93.030).

Dated September 2, 2009; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Ernestine J. Harrell

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 09/05/09 by Ernestine J. Harrell.

Notary Public for Oregon

My Commission Expires: 06/03/10

(SEAL)





## LEGAL DESCRIPTION

23E240060

PARCEL 1: Beginning at a point North 45° 25' East 1176 feet from the center line of Foster and Milwaukie County Road, also known as Market Road No. 19, said point being the most Easterly corner of that certain tract of land conveyed to Delton Dean Remmick by Deed recorded May 16, 1967 in Book 690 page 326, Clackamas County Deed Records and the true point of beginning; thence North 48° 30' West along the Northeasterly line of said Remmick tract, 594 feet to the most Northerly corner of the said Remmick tract and being on the Northwesterly right-of-way line of the former Portland Electric Power Co. right-of-way described in Book 380 page 142, Deed Records; thence North 44° 40'-1/2' East along said right-of-way 366.67 feet; thence South 48° 30' East parallel with the Northeasterly line of the said Remmick tract, 594 feet to intersect a line which is North 45° 25' East from the true point of beginning; thence South 45° 25' West 366.67 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion, if any, lying within that certain tract of land conveyed to Norman R. Fanno and Gladys H. Fanno by Deed recorded September 10, 1970 as Recorders Fee No. 79-39639.

01102

PARCEL 2: A part of the Thomas N. Forrester Donation Land Claim in Section 24, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point North 45° 25' East 1176 feet from the center line of Foster and Milwaukie County Road, also known as Market Road No. 19, said point being the most Southerly corner of that certain tract of land conveyed to Delton Dean Remmick by Deed recorded May 16, 1967 in Book 690 page 326, Clackamas County Deed Records; thence North 48° 30' West along the Northeasterly line of said Remmick tract and parallel with said Market Road No. 19, a distance of 297 feet to a point; thence South 45° 25' West parallel with the Southeasterly line of said Remmick tract to a point which bears North 47° 25' West from the most Northerly corner of that certain tract of land conveyed to Oren L. Williams, et ux, by Deed recorded June 6, 1972 as Recorders Fee No. 72-16162, Clackamas County Records; thence South 47° 25' East to the most Northerly corner of said Williams tract; thence continuing South 47° 25' East 130.5 feet to an iron rod which is 20 feet from the Southeasterly line of said Remmick tract; thence South 45° 25' West along the Southeasterly line of said Williams tract to the center line of Market Road No. 19; thence South 48° 30' East along said center line 20 feet to the extension of the Southeasterly line of said Remmick tract; thence North 45° 25' East along said extension and the most Southeasterly line of said Remmick tract 1176 feet to the point of beginning.

2

2009-063798

EXHIBIT B \_ 8 OF 8

















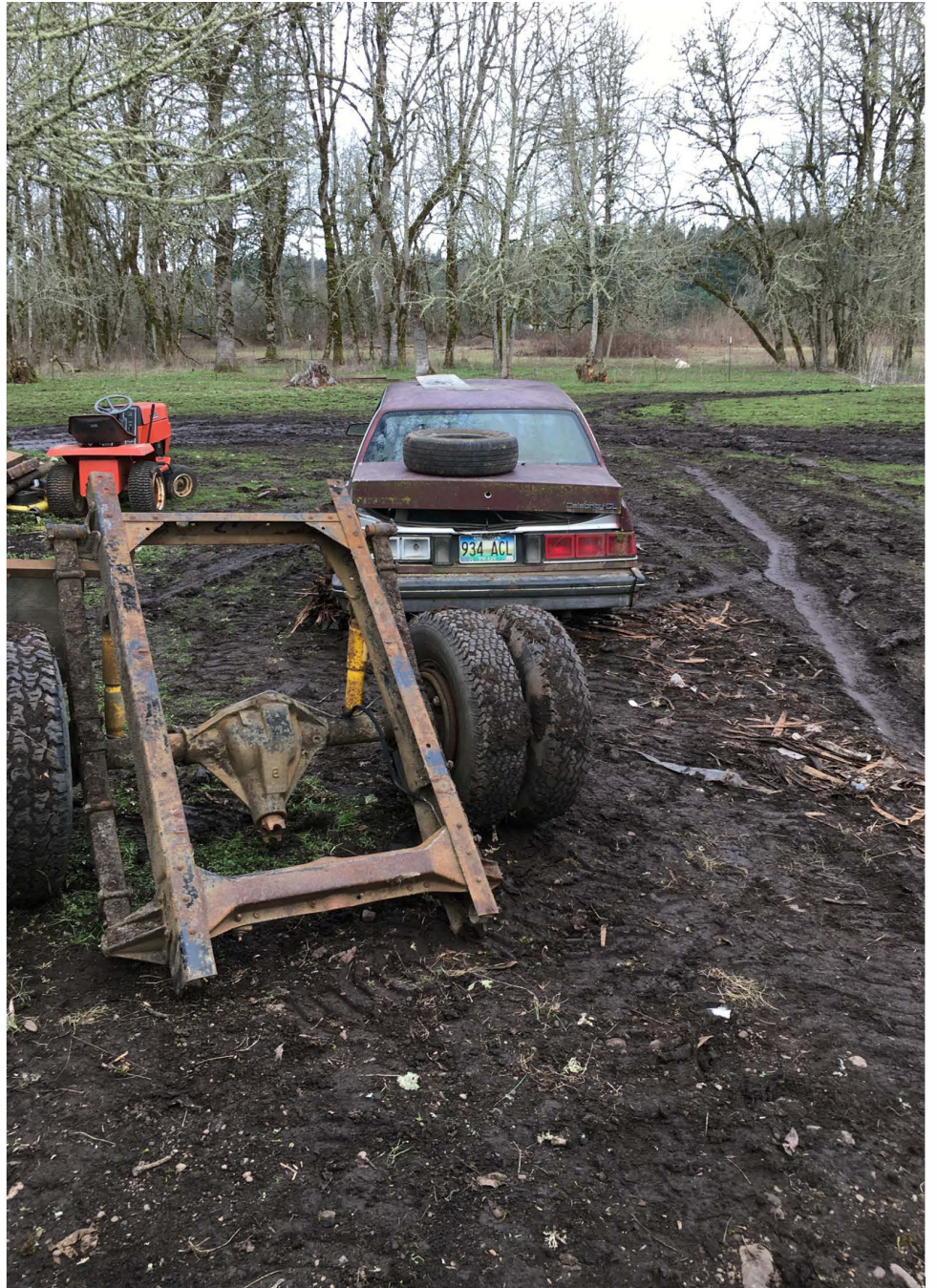
















## Kauppi, Jennifer

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**From:** Gonzales, Lorraine  
**Sent:** Thursday, April 8, 2021 4:57 PM  
**To:** greenhillmorgans@gmail.com; theoakygirl@gmail.com  
**Cc:** Barnes, Michael  
**Subject:** Temporary for Care Application - Additional information needed  
**Attachments:** Z0151-21-STC SUBMITTED APPLICATION.pdf  
  
**Importance:** High

Mrs Harrell,

Your application for a temporary care use has been received and reviewed for completeness. I have attached the application for you to include setbacks on the submitted site plan. I need to have the distance between the primary residence, your home, and the proposed RV to be occupied by your granddaughter and grandson, shown on the site plan. I also need the setbacks from all property lines. The required setbacks for the RV are *30 feet* from the front property line *10 feet* from the side and rear property lines. Please add this information on the site plan and send it back to me at the contact information below.

I also want to also caution you that whereas there is an open violation on the property of the barn having an area converted to living space and other unauthorized RVs functioning as dwellings on the property, it jeopardizes approval of the submitted temporary for care application. Please comply with the Code Enforcement Department as soon as possible and keep me informed on the progress. The situation should be that all unauthorized RVs and the residential use in the barn no longer exist on the property. Once that is completed I can proceed with the application to validate no other options to provide care for you exists on the site. I have attached two aerials for a visual to show what structures currently exist on the property.

Thank You









Lorraine Gonzales, Senior Planner

Clackamas County Planning and Zoning Division | 150 Beaver Creek Road | Oregon City, OR 97045 | 503-742-4518

To help keep the public and staff safe during the COVID-19 pandemic, we are offering comprehensive services by phone, email and online.

- [Remote permitting, submissions, approval and inspection services.](#)
- To ask general questions or find out which division can best meet your needs, call 503-742-4400 or email [dtdcustomerinfo@clackamas.us](mailto:dtdcustomerinfo@clackamas.us).
- [Connect with staff by phone or email](#): **8 a.m. – 4 p.m., Monday – Thursday and 8 a.m. – 3 p.m., Friday**
- Visit with staff through a ZOOM meeting ([schedule an appointment](#)): **9 a.m. to 2 p.m., Monday – Thursday**
- Our public service lobby is open limited hours: **9:00 a.m. to 3:00 p.m., Monday through Thursday**

Check our webpage for updates on service hours and related issues:

- [Updates on Development Services hours and related issues](#)
- [Information about the status of other county departments](#)

Thank you, and we appreciate your understanding during this challenging time.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.











































# Clackamas County

150 Beavercreek Rd  
Oregon City, OR 97045

Tel: Inspection: 503-742-4720

**Location:**  
19144 SE MOORE LN EAGLE CREEK OR 97022

**Inspection Date:**  
Mon, 10 May 2021

**Record Type:**  
Code Enforcement - Violation

**Record ID:**  
V0036720

**Inspection Type:**  
365 Other/Misc

**Inspector:**  
Tom Miltenberger

**Inspector Phone:**

**Inspector Email:**  
TMiltenberger@co.clackamas.or.us

**Result:**  
In Violation

**Submit Time:**  
Mon, 10 May 2021 3:43:PM

**Comments:**  
The first portion is the RV’S. One is for storage and one is occupied.  
The sewer cannot just go into a hole in the ground and or a soakage trench/dry well. Even if only grey water it must drain into an approved septic system. The same applies for the sink out there under the car port/canopy.

As far as the water for the RV’S it would need to be permitted.  
You would count up the footage from the water source, well,existing service to house or where ever you get water to the frost proof hose bib. (Typically a yard hydrant with the required none vented dual back flow device and atmospheric vacuum breaker)

The second portion I looked at is in the barn. All I could see is a hose bib for watering horses and a sink with water heater upstairs.

The water service that feeds the barn would need to be permitted by the foot from the source. Exposed so we could check the connection at the source and that it is 24” deep with a blue tracer wire. When it enters the building it needs to be an approved material plumbed to meet freeze protection if building is unconditioned. (No heat source)

The sink and water heater upstairs are not plumbed to code. I could not see where the drain for sink went. Possibly on the roof of the lean to. Water heater is not strapped, in a pan, or plumbed with approved material. Any plumbing that drains sanitary sewage or grey water for that mater needs to go to an approved septic/sewer system.

The other option for water only in barn would be to permit the water service from the source to a back flow device (double check valve) and label the water in barn non potable. Then you could run hose bibs in barn to water horses as well as pick up the sprinklers that are in place for dust control. The double check valve would need to be permitted,tested and installed in a yard box 24” deep. That would allow you to do just about anything you wanted with the water only. (It would be considered non potable and need to be labeled as such)





Citation No. 2000367-1

Case No. V0036720

# ADMINISTRATIVE CITATION

Date Issued: May 12, 2021

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

Name: Ernestine Harrell  
Mailing Address: 19144 SE Moore Ln  
City, State, Zip: Eagle Creek, OR 97022

Date Violation(s) Confirmed: On the 10<sup>th</sup> day of May, 2021, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 19144 SE Moore Ln., Eagle Creek, OR 97022

Legal Description: T2S, R3E, Section 24, Tax Lot 01102

**Law(s) Violated**

- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316
- ☒ Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030
- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A- structural & K- discharge of untreated waste water)

**Description of the violation(s):**

1) Multiple occupied recreational vehicles and livable space created in the barn without land use approval.  
Maximum Civil Penalty \$2,500.00 Fine \$75.00

2) Putrescible waste not kept in rodent proof container with tight fitting lid  
Maximum Civil Penalty \$ 3,500.00 Fine \$ 100.00

3) Discharge of untreated wastewater or septic tank effluent directly or indirectly onto the ground surface.  
Maximum Civil Penalty \$1,000.00 Fine \$100.00

4) Habitable space created in agricultural barn and barn used for non-agricultural storage without permits  
Maximum Civil Penalty \$1,000.00 Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$375.00. 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: Michael Barnes  
Telephone No.: 503-742-4759

Date: May 12, 2021  
Department Initiating Enforcement Action: Code Enforcement



Citation No. 2000367-1

Case No. V0036720

**PLEASE READ CAREFULLY!**

You have been cited for the violations(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](mailto: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: \_\_\_\_\_





**NOTICE OF DECISION ON A TYPE II LAND USE PERMIT**

**Decision:** Approved with Conditions

**Permit Type:** Temporary Dwelling for Care

**File No.** Z0151-21-STC

**Proposal:** The applicant is proposing to a permit for a Temporary Dwelling for Care for the temporary placement of a manufactured dwelling, in addition to the primary dwelling, in the provision of care to a family member. The family member, who requires care due to age-related and medical conditions, would continue to reside in the primary dwelling. The care providers and property owners will reside in the temporary dwelling.

**Decision Date:** July 14, 2021

**Deadline for Filing Appeal:** **July 26, 2021**, at 4:00 pm if this date falls on Monday through Thursday and 3:00 pm if this date falls on Friday

Unless appealed, this decision is effective on July 26, 2021 at 4:00 pm if this date falls on Monday through Thursday and 3:00 pm if this date falls on Friday

**Issued By :** Lorraine Gonzales, Sr. Planner, [LorraineGo@clackamas.us](mailto:LorraineGo@clackamas.us)

**Assessor's Map & Tax Lot(s):** 23E24 01102 & 601 (one legal lot of record)

**Site Address:** 19144 SE Moore Lane, Eagle Creek, OR 97022

**Applicant:** Ernestine Janet (J). Harrell

**Owner of Property:** Ernestine Janet (J) Harrell

**Zoning:** Rural Residential Farm Forest – 5 Acres (RRFF5)

**Community Planning Organization (CPO) for Area:**

Eagle Creek-Barton CPO, Brent Parries, (503) 680-3824, [EaglecreekCPO@gmail.com](mailto:EaglecreekCPO@gmail.com)

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are































































































