



## NOTICE OF HEARING

March 20, 2024

Richard & Linda Smith  
18707 SE Autumn Way  
Sandy, OR 97055

**RE::** County of Clackamas v. Richard & Linda Smith  
**File:** V0017822

**Hearing Date:** April 11, 2024

**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 Jennifer Kauppi, Code Compliance Specialist for Clackamas County at (503) 742-4759, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

## STATEMENT OF RIGHTS

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

**Carl Cox**  
**Attorney at Law**  
**14725 NE 20<sup>th</sup> Street, #D-5**  
**Bellevue, WA 98007**
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.





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

If you would like to present evidence at the Hearing please email or mail your evidence to Jennifer Kauppi at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

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

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

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

#### Zoom invite

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

Please click this URL to join.

<https://clackamascounty.zoom.us/j/85996023478?pwd=QldUWlhpV2g0a3Vick91SldXZ3IRUT09>

Passcode: 889571

Or One tap mobile:

+17193594580,,85996023478# US

+12532050468,,85996023478# US

Or join by phone:

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

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

Webinar ID: 859 9602 3478

## 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.

RICHARD AND LINDA SMITH,

Respondents.

File No: V0017822

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 18707 SE Autumn Way, Sandy, OR 97055.

2.

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

18707 SE Autumn Way, Sandy, OR 97055 also known as T2S, R4E, Section 22, Tax Lot 00805, and is located in Clackamas County, Oregon.

3.

On or about the 29<sup>th</sup> day of June, 2022 and on or about the 13<sup>th</sup> day of December, 2023 the Respondents violated the following law, in the following way:

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



4.

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

5.

Notice of the violation was given to Respondents in the following manner: Violation notice dated June 29, 2022 and Administrative Citation #2200178 in the amount of \$400.00 issued on December 13<sup>th</sup>, 2023. A copy of the notice document is attached to this Complaint as Exhibit C and Exhibit J, and incorporated by this reference.

6.

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

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

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

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

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

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

and

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

DATED THIS 18 day of March, 2024.



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**Jennifer Kauppi**  
**Code Enforcement Specialist**  
**FOR CLACKAMAS COUNTY**

COUNTY OF CLACKAMAS,

Petitioner,

RICHARD AND LINDA SMITH

Respondents.

File No.: V0017822

STATEMENT OF PROOF

History of Events and Exhibits:

- April 25, 2022 Clackamas County received a complaint regarding solid waste on the subject property including household garbage, miscellaneous debris and inoperable or non-currently licensed vehicles.
- April 25, 2022  
Exhibit A Correspondence was sent to the Respondents regarding the alleged violation.
- May 10, 2022 I spoke with Richard on the phone. He stated that he does have a lot of cars on the property and was working on getting rid of them. Richard does not have active garbage service but takes his household garbage to his work to dispose of.
- June 21, 2022  
Exhibit B I conducted a site inspection and confirmed a violation of the Solid Waste and Waste Management Code existed on the property.
- June 29, 2022  
Exhibit C Correspondence was sent to the Respondents with a deadline of July 29, 2022 to abate the violation.
- July 25, 2022 Richard came into the office to meet with me regarding the progress on the property. He was working on the left side of driveway and a couple of appliances and the garbage onsite had been removed. Richard requested an extension for another 30 days which I agreed to. A site inspection was scheduled for August 30, 2022.
- October 18, 2022  
Exhibit D Richard had contacted me on August 29<sup>th</sup> stating he had some health issues and asked for additional time to abate the violation. I agreed and the site visit was rescheduled for October. Richard met with me on the subject property. There was still a lot of miscellaneous debris, vehicles, recycling found throughout the property. We would follow up in a month with another inspection.



November 28, 2022	Richard contacted me and was honest about not getting much done around the property due to health issues. Richard stated that he has someone that is going to be assisting him with cleaning up the property. Richard asked for more time and I agreed. The next site inspection was scheduled for January 19, 2023.
January 19, 2023 Exhibit E	I met with Richard onsite along with the gentleman that was helping him. Some progress had been made so I told Richard I could give him some more time to abate the violation.
June 13, 2023 Exhibit F	I conducted another site inspection. A lot of items were placed in the barn/arena area, however, the debris can be seen from the road.
June 26, 2023 Exhibit G	An updated Notice of Violation was mailed to the Respondents with a deadline of July 26, 2023 to screen the contents of the barn area from view of the road. I gave the Respondents a deadline of October 30, 2023 to address the vehicles on the property.
August 15, 2023 and September 20, 2023 Exhibit H	I conducted site visits on these dates. The property remained in the same condition and the contents of the barn had not been screened.
September 25, 2023	I spoke with Richard on the phone regarding the site inspection specifically conducted on September 20, 2023. Richard had admitted that he didn't make much progress on the property because he hadn't felt motivated to do so. I explained to Richard that progress has to be made or I would have to move forward with enforcement.
December 12, 2023 Exhibit I	I conducted a site inspection and confirmed the violation had not been abated.
December 13, 2023 Exhibit J	Citation 2200178 in the amount of \$400.00 for the Priority 2 Solid Waste Code violation was sent first class mail. The mail was not returned and the citation remains unpaid.
March 11, 2024 Exhibit K	I conducted a site inspection and confirmed the violation had not been abated.
March 18, 2024	This matter was referred to the Hearings Officer.

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

- The Respondents be ordered to bring the property into compliance with the Solid Waste and Waste Management Code within 60 days of the date of the Order. The Respondents can keep no more than 2 inoperable or non-currently licensed vehicles on the subject property and they must be screened from view of the road and surrounding properties using a County approved screening method. All remaining vehicles can be stored inside a legal structure on the property, they can be currently licensed to someone living onsite and operable, or they will need to be removed to an authorized location. All miscellaneous debris must be screened from view of the road and all surrounding properties or removed from the subject property to an authorized disposal facility.
- Code Enforcement to confirm compliance of the above item and the County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondents.
- The report may include the following recommendations:
- The imposition of civil penalties for the Solid Waste and Waste Management Code violation of up to \$2,500.00 for date cited December 12, 2023.
- Payment for Citation No. 2200178 issued on December 13, 2023 for \$400.00.
- The administrative compliance fee calculated at \$75.00 per month from June 2022 totals \$1,425.00. The County is requesting a reduction of Administrative Compliance Fees in the amount of \$375.00 for a total amount due of \$1,125.00. This is a reasonable estimate of the cost of this enforcement matter.
- The County requests the Hearings Officer to permanently prohibit the Respondents from violating this law in the future.
- If the Respondents fail to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



April 25, 2022

Richard & Linda Smith  
18707 SE Autumn Way  
Sandy, OR 97055

**Subject: Alleged Violation of the Solid Waste Code, Title 10.03.060  
of the Clackamas County Code**

Site Address: 18707 SE Autumn Way, Sandy, OR 97055  
Legal Description: T2S, R4E, Section 22, Tax Lot 00805

It has come to the attention of Clackamas County Code Enforcement that there may be an accumulation of solid waste on the above referenced property, including but not limited to putrescible (household) garbage, inoperable and/or non-currently licensed vehicles and other miscellaneous debris.

This may constitute a violation of the Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

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

E-mail address is [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us)

Telephone number is 503-742-4759

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



## Department of Transportation and Development

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[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.

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June 29, 2022

Richard & Linda Smith  
18707 SE Autumn Way  
Sandy, OR 97055

**SUBJECT: Violation of Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B)**

**VIOLATION:** V0017822

**SITE ADDRESS:** 18707 SE Autumn Way, Sandy, OR 97055

**LEGAL DESCRIPTION:** T2S, R4E, Section22 , Tax Lot 00805

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

- Accumulation of solid waste
- Inoperable and/or non-currently licensed vehicles

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

A site inspection was performed on June 21, 2022. During that inspection I confirmed a violation of the Solid Waste and Waste Management Code for miscellaneous debris and inoperable and/or non-currently licensed vehicles on the subject property.

#### **Solid Waste**

The accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and constitutes a violation of Clackamas County Code Title 10.03.060 (A) and (B). In order to abate the violations, you must complete the following **no later than July 29, 2022:**

1. Remove all solid waste, including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes that is visible from the road or surrounding properties to an authorized disposal facility and store out of sight all articles and solid waste that you wish to keep.

Additionally all putrescible (household) waste must be stored in a rodent proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of **once every seven (7) days**. Covering solid waste with a tarp or tarp like structure does not remove the items from violation.

### **Inoperable and/or Non-Currently Licensed Vehicles**

- Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or**;
- Render the inoperable and/or currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or**;
- Place the inoperable and/or not currently licensed vehicles that are owned by person currently residing on the subject property inside a permitted structure, **and/or**;
- Screen no more than two (2) vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Title 10.03.060 (C)). Please note: placing vehicles under tarps or tarp structures does not remedy the violation.

### **CONTACT INFORMATION**

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is [JKauppi@Clackamas.us](mailto:JKauppi@Clackamas.us)

*Jennifer Kauppi*

Code Enforcement Specialist  
Clackamas County Code Enforcement

## Important Notices

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

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

10.03.030 Definitions

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

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

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

10.03.060 Solid Waste or Wastes Accumulation Prohibited

A. Except as provided in subsection D of this Section, no person shall store, collect, maintain, or display on private property, solid waste or wastes or recyclable material that is offensive or hazardous to the health and safety of the public, or which creates offensive odors, or a condition of unsightliness. Storage, collection, maintenance, or display of solid waste or wastes in violation of this section shall be considered to be a public nuisance, which may be abated as provided in 10.03.070 of this chapter.

B. In addition to the provisions of subsection A, the following conditions or actions are also specifically identified as creating a public nuisance under this chapter.

(1) Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.

(2) Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semitrailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.

(3) Constructing a tire fence for any purpose.

(4) Storing waste tires except as permitted pursuant to OAR Chapter 340.

(5) Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight-fitting lid, and not removed from the property to an authorized disposal facilities within seven (7) days.

(6) Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.

(7) Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.

(8) Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.

(9) Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded

material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.

(10) Storing, collecting, maintaining or displaying any antique, classic, race care or collectible vehicle that is inoperable and is visible from the road or surrounding properties.

(11) Storing any inoperable vehicles unless said vehicle or vehicles are housed within a permitted structure or development, except up to two vehicles per premise may be stored behind a sight obscuring screen, in accordance with 10.03.060 C, and shall not be visible from the road or surrounding properties. For purposes of Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premise.

(12) When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

C. Any sigh obscuring screen used to abate a solid waste nuisance shall consist of one of the following options:

(1) Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of eight (8) feet. The railings shall be a minimum of 2 inch by 4 inch lumber with the 4 inch side attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation  $\frac{1}{4}$  inch.

(2) Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of  $\frac{3}{8}$  inch between slats.

(3) Construct a combination fence consisting of a metal sheeting attached to wood framing as defined in Section C-1 above, or durable metal framing, which is painted a neutral or earth tone color.

(4) Construct a wall consisting of solid material, built of concrete, masonry, brick, stone, or other similar materials or combination thereof.

(5) Construct an earthen berm consisting of dirt, soil, sand, clay or any combination thereof and shall be planted with grass and/or ornamental plantings and shall be maintained at all times.

(6) Plant a hedge consisting of evergreen plantings or other ornamental plantings a minimum of six (6) feet in height, planted not more than two (2) feet on center and which is maintained at all times.

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

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

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

## Property Account Summary



<b>Account Number</b>	00675068	<b>Property Address</b>	18707 SE AUTUMN WAY , SANDY, OR 97055
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<b>General Information</b>	
Alternate Property #	24E22 00805
Property Description	1464 WOODLAND AC PT LT 4
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	046-004
Remarks	

<b>Tax Rate</b>	
Description	Rate
Total Rate	13.4345

<b>Property Characteristics</b>	
Neighborhood	16004: Boring to Sandy all other
Land Class Category	401: Tract Land Improved
Building Class Category	16: Single family res, class 6
Fire patrol acres	3.92
Change property ratio	4XX
Manf Structure Exempt	Exempt from Titling

<b>Related Properties</b>
No Related Properties Found

<b>Parties</b>			
<b>Role</b>	<b>Percent</b>	<b>Name</b>	<b>Address</b>
Taxpayer	100	SMITH RICHARD D & LINDA L	18707 SE AUTUMN WAY, SANDY, OR 97055
Owner	100	SMITH RICHARD D & LINDA L	18707 SE AUTUMN WAY, SANDY, OR 97055
Lienholder	0	LINDQUIST BARRY	26762 S HILLOCKBURN RD, ESTACADA, OR 97023

<b>Property Values</b>					
<b>Value Type</b>	<b>Tax Year 2023</b>	<b>Tax Year 2022</b>	<b>Tax Year 2021</b>	<b>Tax Year 2020</b>	<b>Tax Year 2019</b>
AVR Total	\$329,347	\$319,755	\$310,442	\$301,400	\$292,622
Exempt					
TVR Total	\$329,347	\$319,755	\$310,442	\$301,400	\$292,622
Real Mkt Land	\$384,732	\$372,915	\$311,199	\$278,373	\$275,747
Real Mkt Bldg	\$243,570	\$248,350	\$213,590	\$196,530	\$202,960
Real Mkt Total	\$628,302	\$621,265	\$524,789	\$474,903	\$478,707
M5 Mkt Land	\$384,732	\$372,915	\$311,199	\$278,373	\$275,747
M5 Mkt Bldg	\$243,570	\$248,350	\$213,590	\$196,530	\$202,960
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$329,347	\$319,755	\$310,442	\$301,400	\$292,622
Mkt Exception					
AV Exception					

<b>Active Exemptions</b>
No Exemptions Found

<b>Events</b>
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**UPDATED VIOLATION NOTICE**

June 26, 2023

Richard & Linda Smith  
18707 SE Autumn Way  
Sandy, OR 97055

**SUBJECT: Violation of Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B)**

**VIOLATION:** V0017822

**SITE ADDRESS:** 18707 SE Autumn Way, Sandy, OR 97055

**LEGAL DESCRIPTION:** T2S, R4E, Section22 , Tax Lot 00805

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

- Inoperable and/or non-currently licensed vehicles
- Accumulation of miscellaneous debris not screened from view

**VIOLATIONS & HOW TO RESOLVE**

A site inspection was performed on June 13, 2023. During that inspection I confirmed the household garbage and recycling had been removed. The miscellaneous debris that was visible from the driveway of the property is now screened from view. There are several inoperable or non-currently licensed vehicles remaining on site and the barn that is being used as storage needs to have screening put up in order to screen the contents from the view of the road.

## **Solid Waste**

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

### **Screening of barn storage – deadline July 26, 2023**

- As discussed during our phone conversation on June 22, 2023, please install plywood screening on the posts of the barn in order to screen the contents from the view of the road.
- Schedule a site inspection or provide photos that this requirement has been met.

### **Inoperable and/or Non-Currently Licensed Vehicles – deadline October 30, 2023**

- Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or**;
- Render the inoperable and/or currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or**;
- Place the inoperable and/or not currently licensed vehicles that are owned by person currently residing on the subject property inside a permitted structure, **and/or**;
- **Screen no more than two (2) vehicles from view of the road and surrounding properties**, in accordance with the minimum screening requirements of the code (see Title 10.03.060 (C)). Please note: placing vehicles under tarps or tarp structures does not remedy the violation.
- Please submit updates of vehicles as they are removed and/or licensed and operable to the County.

## **CONTACT INFORMATION**

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

If you have any questions my direct telephone number is 503-742-4759 and my email is [JKauppi@Clackamas.us](mailto:JKauppi@Clackamas.us)

*Jennifer Kauppi*

Code Enforcement Specialist  
Clackamas County Code Enforcement



## Important Notices

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

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

10.03.030 Definitions

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

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

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

10.03.060 Solid Waste or Wastes Accumulation Prohibited

A. Except as provided in subsection D of this Section, no person shall store, collect, maintain, or display on private property, solid waste or wastes or recyclable material that is offensive or hazardous to the health and safety of the public, or which creates offensive odors, or a condition of unsightliness. Storage, collection, maintenance, or display of solid waste or wastes in violation of this section shall be considered to be a public nuisance, which may be abated as provided in 10.03.070 of this chapter.

B. In addition to the provisions of subsection A, the following conditions or actions are also specifically identified as creating a public nuisance under this chapter.

(1) Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.

(2) Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semitrailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.

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(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.

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08/15/2023 11:22



08/15/2023 11:22





































































Citation No. 2200178

Case No. V0017822

# ADMINISTRATIVE CITATION

Date Issued: December 13, 2023

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

Name: Richard & Linda Smith  
Mailing Address: 18707 SE Autumn Way  
City, State, Zip: Sandy, OR 97055

Date Violation(s) Confirmed: On the 12<sup>th</sup> day of December, 2023, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 18707 SE Autumn Way, Sandy, OR 97055

Legal Description: T2S, R4E Section 22, Tax Lot(s) 00805

**Law(s) Violated:**

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

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

- 1) Accumulation of solid waste and inoperable or non-currently licensed vehicles

Maximum Civil Penalty \$400.00      Fine \$2,500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by: Jennifer Kauppi  
Telephone No.: 503-742-4759

Date: December 13, 2023  
Department Initiating Enforcement Action: Code Enforcement















