



## NOTICE OF HEARING

May 11, 2023

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

**RE::** County of Clackamas v. Samantha Ramirez Martinez  
**File:** V0039822

**Hearing Date:** July 18, 2023

**Time:** This item will not begin before 9:30am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

**You can access the complete hearing packet at <https://www.clackamas.us/codeenforcement/hearings>**

You may contact Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

## STATEMENT OF RIGHTS

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

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





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

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to [betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com) Please contact Shane Potter 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 SPotter@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 Shane Potter at 503-742-4465 **within 3 calendar days of receipt of the notice of hearing packet.**

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

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

*\*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.

SAMANTHA RAMIREZ MARTINEZ,  
Respondent.

File No(s): V0039822

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' place of residence is: 6450 SE Duke St., Portland, OR 97206

2.

The address or location of the violations of law alleged in this Complaint is: 11600 S Emerson Rd, Canby, OR 97013 also known as T4S, R1E, Section 24D, Tax Lot 01700, and is located in Clackamas County, Oregon.

3.

On or about the 8<sup>th</sup> day of December 2022, Respondents violated the following laws, in the following ways:

Respondents violated Section 12.401.04 of the Clackamas County Zoning and Development Ordinance (ZDO) by Operating a business without land use approval, on the above referenced property. Said property is zoned Exclusive Farm Use (EFU) District and, pursuant to Section 12.401 of the ZDO, cannot be used in any manner that is not specifically permitted by the ordinance. The commercial business on said



property is not specifically permitted by Section 12.401 of the ZDO and is therefore prohibited.

This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities,

4.

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

5.

Notice of the violations was given to Respondents in the following manner: Administrative Citation No. 2200398 - 1 in the amount of \$400.00 was mailed regular mail on January 24, 2023. A copy of the notice document is attached to this Complaint as Exhibit H, and incorporated by this reference.

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;

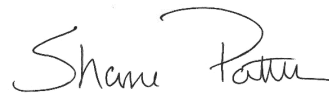
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation within the range established by Board of County Commissioners. Said range for a Priority 2 violation

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; and

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

DATED this 10<sup>th</sup> day of May, 2023.



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Shane Potter  
Code Enforcement Specialist  
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

SAMANTHA RAMIREZ MARTINEZ,

Respondent.

File No.: V0039822

STATEMENT OF PROOF

History of Events and Exhibits:

September 27, 2022 Exhibit A	Clackamas County received a complaint regarding Beto & Sons Sealcoating operating a business without land use approval.
September 27, 2022 Exhibit B	Correspondence was mailed to the Respondent and Occupant by first class mail requesting contact within 10 days. The mail to the Occupant was returned but the mail to the Respondent was not returned.
September 29, 2022 through October 10, 2022 Exhibit C	Series of emails between Code Enforcement Specialist (CES) Shane Potter and the Respondent discussing the violation and how to resolve.
November 1, 2022 Exhibit D	Email between CES Potter and Planning and Zoning Division Planner II Melissa Lord with an email string responding to the Respondent that there is not a path forward for operating the business at this location as they had stated they would like to operate.
November 21, 2022 Exhibit E	CES Potter performed a site visit. During the visit CES Potter found equipment consistent with a sealcoating business.
December 8, 2022 Exhibit F	Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation mailed containing a statement of the facts that support the finding a violation exists on the property. The Notice of Violation was mailed via first class mail. The mail was not returned.
January 23, 2023 Exhibit G	CES Potter performed a site visit. During the visit CES Potter found even more equipment consistent with the business operating at this location as well as an RV that appeared to be in an occupied state.



January 24, 2023 Exhibit H	Citation #2200398 – 1 issued for the zoning violation mailed via first class mail to the Respondent. The first class mail was not returned. This citation has not been paid.
January 30, 2023 through February 1, 2023 Exhibit I	Series of emails between CES Potter and the Respondent who stated they will need to sell the property because of the violation.
February 21, 2023 and February 22, 2023 Exhibit J	Emails between CES Potter and the Respondent discussing what will need to be done to resolve the violation.
April 21, 2023 Exhibit K	CES Potter performed a site visit. During the site visit CES Potter found even more equipment on site consistent with the seal coating business.
May 10, 2023	The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of operating a commercial business at this location exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to:

- Remove the commercial activities from the site within 15 days as it has been determined by the Planning and Zoning Division that the business as it is currently operating is not an allowed operation at this location, or
- Obtain an approval from the Planning and Zoning Division within 30 days consistent with code that may allow the business to operate which will include a change to the storage and operations as currently operating.
  - If an application is made and it is deemed incomplete by the Planning and Zoning Division it must be completed within 30 days of the date of the incomplete letter.

The County will submit a timely 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:

- Payment of Citation 2200398 – 1 for \$400.00.
- Imposition of civil penalties of up to \$2,500.00.
- The administrative compliance fee to be imposed from December 2022 until the violation is abated. As of the date of this report this amount is \$375.00
- If the violation is not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.







OREGON SECRETARY OF STATE  
**Corporation Division**

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**Business Name Search**

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**Business Entity Data**

09-27-2022  
14:08

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1540489-96	DLLC	ACT	OREGON	03-26-2019	03-26-2023	
<b>Entity Name</b>	BETO AND SONS SEALCOATING LLC					
<b>Foreign Name</b>						

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**Associated Names**

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
<b>Addr 1</b>	6450 SE DUKE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97206	<b>Country</b>	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	03-26-2019	Resign Date	
<b>Name</b>	SAMANTHA RAMIREZ MARTINEZ					
<b>Addr 1</b>	6450 SE DUKE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97206	<b>Country</b>	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
<b>Addr 1</b>	6450 SE DUKE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97206	<b>Country</b>	UNITED STATES OF AMERICA	

Type	MEM	MEMBER			Resign Date	
<b>Name</b>	HUMBERTO EDUARDO RAMIREZ MARTINEZ					
<b>Addr 1</b>	6450 SE DUKE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97206	<b>Country</b>	UNITED STATES OF AMERICA	

Type	MEM	MEMBER			Resign Date	
<b>Name</b>	SAMANTHA RAMIREZ MARTINEZ					

<b>Addr 1</b>	6450 SE DUKE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97206		<b>Country</b>	UNITED STATES OF AMERICA






<b>Type</b>	MGR	MANAGER			<b>Resign Date</b>	
<b>Name</b>	SAMANTHA		RAMIREZ		MARTINEZ	
<b>Addr 1</b>	6450 SE DUKE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97206		<b>Country</b>	UNITED STATES OF AMERICA

[New Search](#)   [Printer Friendly](#)   **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
BETO AND SONS SEALCOATING LLC	EN	CUR	03-26-2019	

Please [read](#) before ordering [Copies](#).

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	03-02-2022		FI		
	AMENDED ANNUAL REPORT	04-08-2021		FI		
	AMENDED ANNUAL REPORT	03-25-2020		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-16-2019		FI		
	ARTICLES OF ORGANIZATION	03-26-2019		FI	Agent	

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RECORDING REQUESTED BY:



9200 SE Sunnybrook Blvd., Ste 130  
Clackamas, OR 97015

**GRANTOR'S NAME:**  
John Michael Jindrich

**GRANTEE'S NAME:**  
Samantha Ramirez Martinez

**AFTER RECORDING RETURN TO:**  
Order No.: 36262202005-DS  
Samantha Ramirez Martinez  
6450 SE Duke St  
Portland, OR 97206

**SEND TAX STATEMENTS TO:**  
Samantha Ramirez Martinez  
6450 SE Duke St  
Portland, OR 97206

APN: 01015412  
11600 S Emerson Road, Canby, OR 97013

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

John Michael Jindrich aka Michael Jindrich, Grantor, conveys and warrants to Samantha Ramirez Martinez, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

Part of the John Klinger Donation Land Claim No. 46 in Section 24, Township 4 South, Range 1 East Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

**41E24D 01700 01015412**

Beginning at the Southwest corner of said Donation Land Claim; thence along the South line of said Donation Land Claim, South 88°52.9' East 481 .64 feet to the point of beginning; thence 88°52.9' continuing along the South line of said Donation Land Claim, a distance of 200 feet; thence due North 717.18 feet to a point in the center of a 50 foot road; thence along the center line of said road North 88°58.6' West 200 feet to a point; thence due South to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$245,000.00). (See ORS 93.030).

**Subject to:**

Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The public  
Purpose: Road purposes  
Recording Date: March 25, 1965  
Recording No.: Book 654, Page 606  
Affects: Northerly 25 feet

Recorded by TICOR TITLE 36262202005



**STATUTORY WARRANTY DEED**

(continued)

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon age, race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: November 23, 1965  
Recording No: Book 665, Page 945

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

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 4/6/22

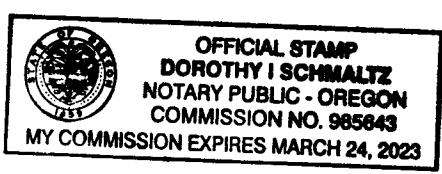
[Signature]  
John Michael Jindrich

State of Oregon  
County of Washington

This instrument was acknowledged before me on April 6 2022 by John Michael Jindrich.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 3/24/23





September 27, 2022

Samantha Ramirez Martinez  
6450 SE Duke St  
Portland, OR 97206

Occupants  
11600 S Emerson Rd.  
Canby, OR 97013

**Subject: Alleged Violations of the Zoning and Development Ordinance,  
Title 12, Section 401 of the Clackamas County Code**

Site Address: 11600 S Emerson Rd., Canby, OR 97013  
Legal Description: T4S, R1E, Section 24D, Tax Lot 01700

It has come to the attention of Clackamas County Code Enforcement that Beto & Sons Sealcoating may be operating from the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 401 of the Clackamas County Code.

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

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

Telephone number is 503-742-4465

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**¡LE DAMOS LA BIENVENIDA!** Spanish

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**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.

## Potter, Shane

---

**From:** Samantha Ramirez Martinez <betoandsonslc@gmail.com>  
**Sent:** Monday, October 10, 2022 9:40 AM  
**To:** Potter, Shane  
**Subject:** Re: 11600 S Emerson RD

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

---

I have submitted a form to meet with a planner for a land use approval form just wanted to give update

On Tue, Oct 4, 2022 at 9:30 AM Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)> wrote:

Thank you

Sincerely,

Shane Potter

Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m

Were you happy with the service you received today?



CLICK A SMILEY

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>  
**Sent:** Tuesday, October 4, 2022 8:51 AM  
**To:** Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)>  
**Subject:** Re: 11600 S Emerson RD

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

I spoke to someone and trying to figure out my options

On Fri, Sep 30, 2022 at 7:53 AM Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)> wrote:

Thank you, I will do that.

On Fri, Sep 30, 2022 at 7:47 AM Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)> wrote:

Hi Samantha,

Parking commercial vehicles there would be considered a commercial activity and would fall under operating a business and/or storing of commercial vehicles on the site. This would require some type of land use approval. I would recommend contacting the Planning and Zoning Division at the phone number I provided to discuss your options. Once you have talked with them please let me know the outcome and the name of the individual you spoke with.

Sincerely,

Shane Potter

Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m

Were you happy with the service you received today?



CLICK A SMILEY

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>

**Sent:** Friday, September 30, 2022 7:45 AM

**To:** Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)>

**Subject:** Re: 11600 S Emerson RD

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

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We only park our trucks are trucks there which I thought was allowed when we purchased land.

On Fri, Sep 30, 2022 at 7:42 AM Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)> wrote:

Hi Samantha,

This is a new complaint we received it is regarding operating Beto & Sons Seal Coating without land use approval.

First, as I have not been by there yet, is this or any other business operating from this address?

If so you will want to meet with the Planning and Zoning Division to discuss your options and if it is allowed then a land use review is most likely going to be required. You can reach the Planning and Zoning Division at 503-742-4500 or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

Sincerely,

Shane Potter

Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



Were you happy with the service you received today?



CLICK A SMILEY

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>  
**Sent:** Thursday, September 29, 2022 4:31 PM  
**To:** Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)>  
**Subject:** 11600 S Emerson RD

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

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Hello I received a letter in the mail stating we have violated some codes I'm wonder which codes that may be and how we can fix that. Sorry for the inconvenience

Samantha (503)489-3683

## Potter, Shane

---

**From:** Lord, Melissa  
**Sent:** Monday, November 7, 2022 11:16 AM  
**To:** Potter, Shane  
**Subject:** FW: ZPAC0129-22 Pre-app for 11600 S Emerson Rd

Hi Shane,

FYI the applicant/property owner has withdrawn their pre-app request. I summarized our email exchanges in the email just below, but if you have any questions or want a quick re-cap please let me know.

Basically, there's no pathway to allow vehicles and equipment associated with the paving company on site. The only possible avenues that I can see that would give them a chance to have the construction trucks on the property would be through the "landscape contracting business" standards (as defined in ORS [671.520](#) and growing nursery stock on site), or through the "home occupation exception" standards which would require them to live in a house on the property full time. However, a house is not something allowed outright on this property, and would require them to make \$80,000 of farm income to qualify for a land use permit to qualify to have a house.

The applicant threw out a few other business ideas (pallet business and Christmas tree farm) so I summarized how those might be able to be established on site too.

At this time, she has asked to withdraw the pre-application conference request.

Mel

**From:** Samantha Ramirez Martinez [mailto:betoandsonslc@gmail.com]  
**Sent:** Monday, November 7, 2022 11:07 AM  
**To:** Lord, Melissa <MLord@clackamas.us>  
**Subject:** Re: ZPAC0129-22 Pre-app for 11600 S Emerson Rd

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

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Thank you yes no pre application at this time I do appreciate all your help  
On Mon, Nov 7, 2022 at 10:57 AM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

Hi Samantha,

To summarize all of your ideas, this is what I understand and the information I want to convey:

- 1) A Christmas tree farm:
  - a. A commercial Christmas tree farm is a farm use which is allowed on this property. Vehicles and equipment needed to operate this farm use, associated with the Christmas trees, are allowed on the property.

- b. Vehicles associated with other businesses that are not an allowed use cannot be stored/parked on the property, even if you have a farm.
- c. No land use permits are necessary for a Christmas tree farm.

2) A pallet business:

- a. A pallet business may only be allowed as a “commercial activity in conjunction with farm use” if you have received an approved Conditional Use permit. A Conditional Use permit requires you to have a pre-application conference with the County before applying for the land use permit.
- b. At this time, you have not submitted any information to the county to have the pre-application conference to discuss this potential land use permit application.
- c. Vehicles or equipment associated with an *approved* pallet business may be allowed on the property. Vehicles associated with other businesses that are not an allowed use cannot be stored/parked on the property, even if you have an approved pallet business.

3) Paving company:

- a. Vehicles and equipment associated with the paving company are not allowed.

Depending upon what you are trying to use the property for you might need a pre-application conference, as discussed above. If so are hoping to have a pre-application conference with the County for the pallet business, please submit a new site plan, and written narrative describing the business so we can set up the meeting. If you are going to pursue and Christmas tree farm, or another use that does not require a pre-application conference, and would like to withdraw your pre-application conference request at this time please let me know so that I can have a refund processed to you.

**Melissa Lord**

Planner II

(she/her)

Clackamas County Planning and Zoning Division

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

[MLord@Clackamas.us](mailto:MLord@Clackamas.us) | 503-742-4504

Hours: M-Th 7:30am to 6:00pm

The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. The public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Friday from 8:00 a.m. to 4:00 p.m.

**From:** Samantha Ramirez Martinez [mailto:[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)]  
**Sent:** Thursday, November 3, 2022 11:58 AM  
**To:** Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)>  
**Subject:** Re: ZPAC0129-22 Pre-app for [11600 S Emerson Rd](#)

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

I really appreciate you and all of your help you went above and beyond to help me thank you

On Thu, Nov 3, 2022 at 11:57 AM Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)> wrote:

What I'm gonna do is do Christmas tree farm I definitely can use my excavator bobcat trucks to haul away debris and dirt from making area for the lot for trees and other equipment I'll figure out another place for them when time permits for pallet business I will submit application for pallet business

On Thu, Nov 3, 2022 at 9:06 AM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

Hi Samantha,

Growing Christmas trees is a farm use which is allowed provided that you are growing them for the purpose of obtaining a profit in money from that farm use. Vehicles and equipment necessary to operate the commercial farm are allowed to be on the property, but those vehicles must be associated with uses allowed; as you know, paving and asphalt equipment is not allowed.

If you are going to plant Christmas tree on your property, we do not need to have a pre-application conference because this is allowed and no land use permit is needed.

If you want to start a business selling palettes, we can have a pre-application conference. Selling palettes is a commercial activity. A conditional use permit would be necessary for this activity to occur on site. Having this approval would not entitle you to keep the paving and asphalt vehicles on site.

You can make what ever modifications that you want to your proposal and we can talk about it. Again, I see no need to have a pre-application conference for a Christmas tree farm because that is allowed. But, if you insist on meeting then we certainly can. If you want to pursue a palette business as a commercial activity in conjunction with farm use then we can schedule the pre-application conference because it would be necessary for you to apply for a conditional use permit.

Melissa Lord, Planner II

(She/Her)

Clackamas County – Transportation & Development

Planning & Zoning Division

[MLord@Clackamas.us](mailto:MLord@Clackamas.us) | 503-742-4504

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

*Hours: Monday through Thursday 7:30am to 6:00pm*

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>

**Sent:** Wednesday, November 2, 2022 12:02 PM

**To:** Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)>

**Subject:** Re: ZPAC0129-22 Pre-app for [11600 S Emerson Rd](#)

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

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I can change my application to agriculture to grow Christmas trees and would I send it back to you ?

On Wed, Nov 2, 2022 at 11:51 AM Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)> wrote:

Or anything I can do to get a variant ? Or some kind of exclusion ? If I grow Christmas trees can I park my stuff there

On Wed, Nov 2, 2022 at 11:49 AM Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)> wrote:

What if we can do a farm Forrest referral or agriculture for growing Christmas trees ? Could I do that there and have my equipment cause I would use equipment for that as well

On Wed, Nov 2, 2022 at 7:45 AM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

Ok. Commercial activity in conjunction with farm use that exceeds the standards in Subsection [401.05\(B\)\(1\)](#) are a conditional use permit. Please update your pre-application request materials to include a new written project narrative and a new site plan that detail the new proposal and then send it to me. I will find a time to schedule our meeting to discuss the new business once I receive that.

Melissa Lord, Planner II

(She/Her)

Clackamas County – Transportation & Development

Planning & Zoning Division

[MLord@Clackamas.us](mailto:MLord@Clackamas.us) | 503-742-4504

[150 Beavercreek Road, Oregon City, OR, 97045](#)

*Hours: Monday through Thursday 7:30am to 6:00pm*

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>

**Sent:** Tuesday, November 1, 2022 9:58 AM

**To:** Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)>

**Subject:** Re: ZPAC0129-22 Pre-app for [11600 S Emerson Rd](#)

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We can do non commercial farm use. We have a green house where we can grow and produce as well as having a pallet yard that would be used to move produce from area to another farm field as well as selling pallets to other farms for bay stacking ect

On Tue, Nov 1, 2022 at 9:30 AM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

I am not familiar with what a “pallet business for farm use” is, so without any information it is hard to know if the use is allowed. I would refer you back to my previous emails where I included the list of all uses allowed in the zone and encourage you to look at that. Once you have done that, you can give me more information about the business and how it would meet the standards of the use listed in the zone.

**From:** Samantha Ramirez Martinez [mailto:[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)]  
**Sent:** Tuesday, November 1, 2022 9:27 AM  
**To:** Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)>  
**Subject:** Re: ZPAC0129-22 Pre-app for [11600 S Emerson Rd](#)

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We also have an idea of doing a pallet business for farm use would that help in any way ?

On Tue, Nov 1, 2022 at 9:25 AM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

Hi Samantha,

I have spent time researching through the code and do not see a pathway for you to keep the paving & gravel trucks on the property.

The only possible avenues that I can see that would give you a chance to have the construction trucks on the property would be through the “landscape contracting business” standards that I hyperlinked in my previous email, or through the “home occupation exception” standards which would require you to live in a house on the property full time. However, a house is not something allowed outright on this property, and would require a special land use permit to qualify to have a home. Plainly put, the property cannot be used to park your business’ vehicles.

I am happy to talk to you about either of these in more detail, but do not believe that there is any need for a pre-application conference. You can request to withdraw the pre-app and you would be refunded most, if not all, of the fee.

**Melissa Lord**

Planner II

(she/her)

Clackamas County Planning and Zoning Division

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

[MLord@Clackamas.us](mailto:MLord@Clackamas.us) | 503-742-4504

Hours: M-Th 7:30am to 6:00pm

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**From:** Samantha Ramirez Martinez [mailto:[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)]

**Sent:** Thursday, October 27, 2022 6:17 PM



To: Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)>

Subject: Re: ZPAC0129-22 Pre-app for [11600 S Emerson Rd](#)

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

We don't have a home currently there is a old home like thing on property that needs remodel but not livable we have an RV with a occupant inside to take care of property

We just moved here in July end of July actually. So haven't been able to start much of anything

On Thu, Oct 27, 2022 at 2:21 PM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

There are three that I believe may be relevant to your business:

- A Home Occupation Exception. Is there a home on this property that you live in full-time?
- Are you a landscape contracting business as defined in as defined in ORS [671.520](#) and the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use?
- Commercial activity in conjunction with farm use that exceeds the standards of Subsection [401.05\(B\)\(1\)](#)

Do any of these seem to fit your business?

Melissa Lord, Planner II

(She/Her)

Clackamas County – Transportation & Development

Planning & Zoning Division

[MLord@Clackamas.us](mailto:MLord@Clackamas.us) | 503-742-4504

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

Hours: Monday through Thursday 7:30am to 6:00pm

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>

**Sent:** Thursday, October 27, 2022 1:51 PM

**To:** Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)>

**Subject:** Re: ZPAC0129-22 Pre-app for [11600 S Emerson Rd](#)

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

I am kinda confused on which one to pick. Our company is a paving company we do asphalt work , gravel work ect we do infact have chickens and goats and eventually will like to lead up to more animals ect but have put that on hold because of the process I am in now. I'm not sure what to list property at ? Would you be able to tel me what you think it would be best reviewed as ?

On Thu, Oct 27, 2022 at 1:42 PM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

Thank you for sending this – I will add it to the file.

From what I can tell, you are storing paving equipment on site. Can you please tell me what type of use are you believe that your business should be reviewed as? The list of all uses is in Table 401-1 (starting on page 5 of the document): <https://dochub.clackamas.us/documents/drupal/40a556e9-0afb-488f-a799-67eeb228c7a4>

If you can please tell me what type of use your business is, then I can verify what process is required.

Melissa Lord, Planner II

(She/Her)

Clackamas County – Transportation & Development

Planning & Zoning Division

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

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Please let me know if I have missed anything thank you

On Mon, Oct 17, 2022 at 9:09 AM Lord, Melissa <[MLord@clackamas.us](mailto:MLord@clackamas.us)> wrote:

Hi Samantha,

I am the planner assigned to review the pre-application conference request you submitted for a Conditional Use permit at [11600 S Emerson Rd. I](#) cannot schedule the pre-application conference until we receive the necessary materials from you – please take a look at the pre-application conference request form (attached) and submit ALL of the requested items.

- Written project narrative describing your proposal
- Site plan
- Building elevations for any new/proposed building
- Parking and circulation (can be shown on the site plan)

Please email me these documents directly and I will then proceed with scheduling the pre-application conference.

**Melissa Lord**

Planner II

(she/her)

Clackamas County Planning and Zoning Division

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

[MLord@Clackamas.us](mailto:MLord@Clackamas.us) | 503-742-4504

Hours: M-Th 7:30am to 6:00pm

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December 8, 2022

Violation No.:V0039822

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

**RE: VIOLATIONS OF CLACKAMAS COUNTY CODES:** No.: V0039822

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT NATURAL RESOURCE DISTRICTS ORDINANCE 12.401.04 – USES PERMITTED – **Operating a business without land use approval and/or storage of commercial equipment without land use approval**

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

Dear Samantha Martinez,

There is a violation on the above property regarding operating a business and/or storage of commercial equipment on site without land use approval. It is my understanding based on your conversation with the Planning and Zoning Division that there was not a path forward to operate the business at this location. Based on a recent site visit there are still elements of the business operating from this location. To abate these violations you must complete the following **no later than: January 8, 2023**

1. Since Planning and Zoning had determined that no pathway exists you will need to remove the business and all commercial aspects of the business from this location, or;
2. If you can work with the Planning and Zoning Division to come up with a way to address the violation and maintain any presence here you will need to make the appropriate applications no later than date mentioned above. You can make contact with the Planning and Zoning Division at 503-742-4500 or by email at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) to discuss your options. If you do make application and the file is deemed incomplete you will have 30 days to provide the required materials to deem the application complete from the date of the incomplete letter.

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

## **ITEMS INCLUDED IN THIS PACKET**

- Violation Letter
- Required Notice of Fines and Penalties



Shane Potter  
Code Enforcement Specialist  
Clackamas County Code Enforcement  
Phone: 503-742-4465  
[spotter@clackamas.us](mailto:spotter@clackamas.us)

## **Important Notices**

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at [codeenforcement@clackamas.us](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.

















Citation No.: 2200398 - 1

Case No.: V0039822

# ADMINISTRATIVE CITATION

Date Issued: January 24, 2023

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

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

Date Violation(s) Confirmed: January 23, 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): 11600 S Emerson Rd., Canby, OR 97013

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

**Law(s) Violated**

Title 12 and 13 of CCC Zoning and Development Ordinance, Section 401.04

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

- 1) Operating a commercial business (seal coating) and storage of heavy equipment on site without land use approval

Maximum Civil Penalty \$2,500.00

Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75.00 monthly administrative fee is being assessed.

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

Citation Issued by: Shane Potter  
Telephone No.: 503-742-4465

Date: January 24, 2023  
Department Initiating Enforcement Action: Code Enforcement



## **PLEASE READ CAREFULLY!**

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

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

### Options:

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

## Potter, Shane

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**From:** Samantha Ramirez Martinez <betoandsonslc@gmail.com>  
**Sent:** Wednesday, February 1, 2023 11:57 AM  
**To:** Potter, Shane  
**Subject:** Re: 11600 S Emerson RD

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

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At this point we are going to be forced to sell property. We have no where to place our equipment until we sell I have contacted a real estate agent to do so.

On Tue, Jan 31, 2023 at 9:23 AM Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)> wrote:

So I had a chance to go back through the photos and I have several concerns. First there are 3 or more rolling machines on site that are used for paving projects. I understand you say you want to compact the dirt but I am a bit confused how compacting dirt around trees will help with planting. Usually you use the soil and slightly compact to create a barrier for the trees. Also there are several dump trucks on site. There are also numerous vehicles associated with the business on site including the paving machine. Any commercial vehicle associated with the business that is not being used, and you will have to explain in more detail about how a paving roller can be used for tree planting, will need to be removed. I also noticed while reviewing the files that there is an occupied recreational vehicle on site. This is not something I had seen when I first went through the photos but have recently received complaints about it.

Sincerely,

Shane Potter

Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m

Were you happy with the service you received today?



CLICK A SMILEY

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>  
**Sent:** Monday, January 30, 2023 9:08 AM  
**To:** Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)>  
**Subject:** Re: 11600 S Emerson RD

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

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The dump trucks there are from our business but we will be using them to haul away dirt and debris our excavator is there for trees as well as well roller to compact the ground area so the only thing that would need to be moved is the paver correct ?

On Mon, Jan 30, 2023 at 9:02 AM Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)> wrote:

We have made an area to plant the trees. When we bought this place it was an absolute dump site we are not purchasing trees we will be planting them there

On Mon, Jan 30, 2023 at 8:55 AM Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)> wrote:

Hi,

During my last couple of site visits there is equipment stored and operating there not consistent with a tree farm. The property has had paving equipment and commercial vehicles stored there for the past two visits. The citation was for those uses. Also during those site visits there does not appear to be any signs of a tree farm from what I could see. Can you explain to me how you would be using the site for a tree farm. If it is to bring trees to this location you may have to obtain land use approval. If it is growing on site I would need more details of the work being done.

Sincerely,

Shane Potter

Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m

Were you happy with the service you received today?



CLICK A SMILEY

**From:** Samantha Ramirez Martinez <[betoandsonslc@gmail.com](mailto:betoandsonslc@gmail.com)>

**Sent:** Monday, January 30, 2023 8:47 AM

**To:** Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)>

**Subject:** Re: 11600 S Emerson RD

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

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Hi Shane I got another letter stating something about a fine. I spoke to someone else and they said o could do Christmas tree farm there everything that is on property will be used in that regard to the trees

On Mon, Oct 10, 2022 at 3:33 PM Potter, Shane <[SPotter@clackamas.us](mailto:SPotter@clackamas.us)> wrote:

Thank you for the update

Sincerely,

Shane Potter

Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m

**Potter, Shane**

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**From:** Potter, Shane  
**Sent:** Wednesday, February 22, 2023 8:33 AM  
**To:** 'Samantha Ramirez Martinez'  
**Subject:** RE: 11600 S Emerson

Hi Samantha,

I recall when talking to Planning that there were some limitations on the use based on the zoning. However you would want to communicate with the Planning and Zoning Division for any options as they would be the department that could assist you with those questions you had below. Please feel free to contact them at 503-742-4240 or by email at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

Sincerely,

Shane Potter  
Code Enforcement Specialist

[spotter@clackamas.us](mailto:spotter@clackamas.us)  
503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m

**DTD lobby service hours are 8 AM – 4PM Monday, Tuesday and Thursday. Wednesday and Friday the offices are closed but we are available by phone and email**

Were you happy with the service you received today?



**From:** Samantha Ramirez Martinez <betoandsonslc@gmail.com>  
**Sent:** Tuesday, February 21, 2023 4:46 PM  
**To:** Potter, Shane <SPotter@clackamas.us>  
**Subject:** 11600 S Emerson

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

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Hey so I'm being forced to sell my property which I don't want to do. My trucks and equipment definitely weigh less than 11,000 pounds what are some steps I can take to try and get a permit to build? Is there any permits I can get to park equipment there? Is there any way I can submit a form to see if I can at least get a

section of property re zoned ? I'm trying to really weigh my options here. If I was to open a landscaping business would I be able to place my stuff there. I'm trying to figure it out. Is there any chance I can submit forms to see what I can do. I read somewhere that if it is under 11,000 pounds I have to try to get a home occupation exception































