



## NOTICE OF HEARING

November 19, 2024

Katie Smith  
15951 SE Holly Ct.  
Milwaukie, OR 97267

**RE::** County of Clackamas v. Katie Smith  
**File: V0028921**

**Hearing Date:** December 12, 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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, 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 Kimberly Benthin 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 Kimberly Benthin at 503-742-4457 **within 3 calendar days of receipt of the Notice of Hearing**.

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet. **When joining the webinar please accept the request to join as a panelist.**

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

#### Zoom invite

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

Please click this URL to join.

<https://clackamascounty.zoom.us/j/84522639707?pwd=nLZPAdNzgFEbFuj63YZY9qEUDSUfiR.1>

Passcode: 479972

Or One tap mobile:

+16699006833,,84522639707# US (San Jose)

+17193594580,,84522639707# US

Or join by phone:

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

US: +1 669 900 6833 or +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 +1 301 715 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 or +1 646 931 3860 or +1 689 278 1000

Webinar ID: 845 2263 9707

## 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,

File No.: V0028921

v.

KATIE SMITH and,  
CHRIS P. POWERS

Respondents.

COMPLAINT AND REQUEST FOR HEARING

I, Kimberly Benthin, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' mailing address is 15651 SE Holly Ct., Milwaukie, OR 97267.

2.

The address or location of the violation of law alleged in this Complaint is 15651 SE Holly Ct., Milwaukie, OR 97267, also known as T2S, R2E, Section 07DB, Tax Lot 01500, and is located in Clackamas County, Oregon.

3.

On or about the 18<sup>th</sup> day of August, 2021 and on or about the 29<sup>th</sup> day of December 2021, the Respondents violated the following laws, in the following ways:

a. Respondents violated Chapter 9.02 of the Clackamas County Code

Application and Enforcement of the Clackamas County Building Code Section 9.02.040(A,D,E) by constructing a carport without permits or inspections. This is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

4.

On or about the 3rd day of March, 2022 Respondents violated the following laws, in the following ways:

- a. Respondents violated Chapter 9.02 of the Clackamas County Code Application and Enforcement of the Clackamas County Building Code Section 9.02.040(A,D,E) by constructing a carport without permits or inspections. This is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

5.

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

6.

Notice of the violation was given to Respondents in the following manner: Violation notice dated August 18, 2021 and Administrative Citation #21289-1 in the amount of \$25.00 was mailed first-class on December 29, 2021; and Administrative Citation #21289-2 in the amount of \$100.00 was mailed first-class on March 3, 2022. A copy of the notice documents are attached to this Complaint as Exhibits E and G, respectively 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 violations 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 Building Code Title Priority 4 violation being \$100.00 to \$1,000.00; per occurrence as provided by Appendix B to the Clackamas County Code;

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

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

and

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

DATED THIS 19<sup>th</sup> day of November, 2024.

A handwritten signature in black ink, appearing to read "J. L. ...", is written over a horizontal line. The signature is contained within a light gray rectangular box.

Code Enforcement Specialist  
FOR CLACKAMAS COUNTY



COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0028921

v.

KATIE SMITH and,  
CHRIS P. POWERS

Respondents.

STATEMENT OF PROOF

History of Events and Exhibits:

July 13, 2021	Clackamas County received a complaint of an unpermitted accessory structure, inoperable vehicles, trash, miscellaneous debris, and an occupied recreational vehicle.
July 19, 2021 Exhibit: A	Correspondence was mailed to the Respondents.
July 21-23, 2021	Respondent Chris Powers and Code Enforcement Specialist (CES) Kimberly Benthin exchanged emails regarding the complaints and the path to compliance.
August 3, 2021 Exhibit: B	CES Benthin conducted an inspection of the property and took photos.
August 18, 2021 Exhibit: C	Research of County records found no permit submittal for the large RV-carport cover. Facts of the alleged violation were reviewed, the solid waste violation had been verified. The Notice of Violation was mailed via first class mail to each Respondent.
September 1, 2021	Document submittal for the carport permit # B0488321 began.
October 12, 2021 Exhibit: D	CES Benthin conducted site inspection. The solid waste condition of the property was improved. Photos were taken during the inspection.
December 29, 2021 Exhibit: E	A review of the County records found the submittal for the carport permit had not been completed. Citation #21289-1 was issued for the building code violation and sent via first class mail. The mail was not returned. The County is waiving the \$25.00 fee amount.

March 1, 2022 Exhibit: F	CES Benthin performed a site inspection. Photos were taken during the inspection. The unpermitted carport remained on the subject property.
March 3, 2022 Exhibit: G	A review of the County records found the submittal for the carport permit had not been completed. Citation #21829-2 was issued for the building code violation and sent via first class mail. The first mail was not returned. The County is waiving the \$100.00 fee amount.
October 9, 2024 Exhibit: H	The administrative compliance fee letter was sent to the Respondent each month since July 2021.
October 10, 2024 Exhibit: I	CES Benthin performed a site inspection. Photos were taken during the inspection. the unpermitted carport remained on the subject property
November 19, 2024	Clackamas County set this file for hearing.

If the Hearings Officer affirms the County's position that a violation of Chapter 9.02 of the Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to:

- Submit for a structural permit and electrical and plumbing permits if required. The permit submission must include all construction documents of sufficient clarity for the RV/carport cover to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building code and relevant laws, and appropriate fees.
  - Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
  - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
  - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of the approved permit(s).

**Or:**

- Submit an application for a demolition permit for the RV/carport structure. If there is unpermitted plumbing or electrical the removal of these will require a permit to confirm compliance with the codes.
  - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
  - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of the approved permit(s).

- Contact CES Benthin to schedule an inspection to confirm removal of structure and all debris.

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:

- The imposition of civil penalties of up to \$2000.00.
- The administrative compliance fee accrual could be as much as \$2925.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.



July 19, 2021

Katie Smith  
Chris Powers  
15651 SE Holly Ct  
Milwaukie, OR 97267

**Subject: Alleged Violations of the Zoning and Development Ordinance, Title 12, Section 315, Building Code, Chapter 9.02.040 and the Solid Waste Code, Title 10.030.060 of the Clackamas County Code**

Site Address: 15651 SE Holly Ct, Milwaukie OR 97267  
Legal Description: T2S, R2E, Section 07DB, Tax Lot 01500

It has come to the attention of Clackamas County Code Enforcement that an accessory structure was placed without the benefit of permits and an unauthorized occupied recreational vehicle may exist on the above referenced property.

Additionally, 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 Zoning and Development Ordinance, Title 12, Section 315, Building Code, Chapter 9.02.040 and the Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

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

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

Telephone number is 503-742-4457

*\*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:**

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### **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

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August 18, 2021

Violation #: V0028921

Katie Smith  
15651 SE Holly Ct  
Milwaukie, OR 97267

Chris P. Powers  
15651 SE Holly Ct  
Milwaukie, OR 97267

**Subject: Violations of the Clackamas County  
Solid Waste and Wastes Management Code Chapter 10.03.060 (A,B,) and Building Code Chapter 9.02.040(A,C,D,E)**

Site Address: 15651 SE Holly Ct., Milwaukie, OR 97267  
Legal Description: T2S, R2E, Section 07DB, Tax Lot 01500

This letter is in follow up to the complaint received by the County that on the above referenced property a recreational vehicle is occupied, there is inoperable and not currently licensed vehicles, miscellaneous waste and an unpermitted structure on site. A site inspection was recently conducted and during the inspection, it was confirmed that the above referenced property has an unpermitted structure and items on site that cause violations of the Clackamas County Code.

Items found on the subject property such as: inoperable and or not currently licensed vehicles, lawnmower, collapsed tent trailer, tires, plastic items, and an accumulation of miscellaneous items in the driveway and leaning against the fence. These items by definition are violations of the Solid Waste and Wastes Management Code Chapter 10.03 (see excerpt enclosed.)

Please abate the violations of the Solid Waste and Wastes Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, etc., **no later than September 20, 2021:**

1. Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or,**
2. Render the inoperable and/or not currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or,**

3. Place the inoperable and/or not currently licensed vehicles that are owned by persons currently residing on the subject property inside a permitted structure, **and/or**,
4. Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C)).

The accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and, therefore, violates the Clackamas County Code, Chapter 10.03, Solid Waste and Waste Management Code. Your cooperation is solicited to store out of sight all articles of solid waste that you wish to keep and to remove the remainder to an authorized disposal facility. Additionally, all putrescible 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, tarp structure or fitted car cover does not remove the items from violation.

Please abate all remaining waste violations of the Solid Waste and Wastes Management Code, that are not vehicles **no later than September 20, 2021**.

The unpermitted structure on site is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violations, please complete one of the following options **not later than September 20, 2021**:

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s).
  - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
  - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

**Or:**

- Submit an application for a demolition permit. Please be advised that if you choose to remove the structure – you may still be required to get permits to confirm construction and utilities were removed, and such remains in compliance with the codes.
  - The permit must have the fee paid in full within ten days of your being notified by Building Codes that the permit review has been completed.
  - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).
  - Please call this office to schedule an inspection to confirm removal of structure and all debris.

Please note that submitted plans for the construction of the structure will be subject to the review and approval of the Planning and Zoning Division. The construction and the use must meet the requirements and standards of the zoning district applied to the subject property. If you have questions please contact: Planning and Zoning Division at 503-742-4500 or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us).

If you have any questions concerning the building permit requirements, please contact the Building Codes Division at 503-742-4240 or [bldservice@clackamas.us](mailto:bldservice@clackamas.us). If you wish to visit the County in person, the Development Services Building lobby hours are open: 8AM to 4PM, Monday to Thursday and 8AM to 3PM on Friday. The public is encouraged to take advantage of the services available online, by phone or by email. It is recommended that you check the Clackamas County webpage for current hours of operation.

If you have any questions for me you may call 503-742-4457 and my email is [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us).

A handwritten signature in black ink, appearing to read 'Kimberly Bentin', is centered on a light gray rectangular background.

Kimberly Bentin  
Code Enforcement Specialist  
Code Enforcement Section

## 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 Chapter 10.03 Solid Waste and Wastes Management

(The code in its entirety can be found on the Clackamas County website)

Excerpts:

### 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, semi-trailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.
  3. Constructing a tire fence for any purpose.
  4. Storing waste tires except as permitted pursuant to OAR Chapter 340.
  5. Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight fitting lid, and not removed from the property to an authorized disposal facility within seven (7) days.
  6. Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.
  7. Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.
  8. Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.
  9. Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.
  10. Storing, collecting, maintaining or displaying any antique, classic, race car or collectible vehicle that is inoperable and is visible from the road or surrounding properties.
  11. Storing any inoperable vehicle or 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 this Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premises.
  12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.
- C. Any sight obscuring screen used to abate a solid waste nuisance shall consist of one of the following options:
1. Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of two (2) feet below ground level. There shall be a maximum post separation of eight (8) feet. The railings shall be a minimum of 2-inch by 4-inch lumber with the 4-inch side attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation of 1/4 inch.
  2. Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect

resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of 3/8 inch between slats.

3. Construct a combination fence consisting of 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 combinations 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 purposes of this chapter, no sight obscuring screen shall be located, placed, constructed or installed contrary to the Clackamas County Zoning and Development Ordinance."

### **10.03.030 Definitions**

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

...

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

...

"(58). SOLID WASTE OR WASTES shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land-clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial 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. "...











Citation No. 21289-1

Case No. V0028921

# ADMINISTRATIVE CITATION

Date Issued: December 29, 2021

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

Name: Katie Smith  
Name: Chris P. Powers  
Mailing Address: 15651 SE Holly Ct  
City, State, Zip: Milwaukie OR 97267

Date Violation(s) Confirmed: On the 3<sup>rd</sup> day of August, 2021, 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): 15651 SE Holly Ct., Milwaukie OR 97267

Legal Description: T2S, R2E Section 07DB, Tax Lot 01500

**Law(s) Violated**

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, D, E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section

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

- 1) The unpermitted structure (i.e. carport) remains on site without building permits or the benefit of inspections.

Maximum Civil Penalty \$1,000.00

Fine \$25.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$25.00. 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: Kimberly Benthin  
Telephone No.: 503-742-4457

Date: December 29, 2021  
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: \_\_\_\_\_

Violation File # : V0028921





Citation No. 21289-2

Case No. V0028921

# ADMINISTRATIVE CITATION

Date Issued: March 3, 2022

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

Name: Katie Smith  
Name: Chris P. Powers  
Mailing Address: 15651 SE Holly Ct  
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 3<sup>rd</sup> day of August, 2021 and continues to exist on the 2<sup>nd</sup> day of March 2022, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 15651 SE Holly Ct. Milwaukie, OR 97267

Legal Description: T2S, R2E Section 07DB, Tax Lot 01500

**Law(s) Violated:**

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040,(A,B,C,D,E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section

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

- 1) The unpermitted structure (carport/RV cover) remains on site without building permits or the benefit of inspections.

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

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$100.00. 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: Kimberly Benthin  
Telephone No.: 503-742-4457

Date: March 3, 2022  
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: \_\_\_\_\_

Violation File No. : V0028921



DAN JOHNSON  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

CODE ENFORCEMENT • DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

10/09/24

SMITH KATIE  
15651 SE HOLLY CT  
MILWAUKIE, OR 97267

**Subject: Notice of Monthly Administrative Compliance Fee Accrual.  
This is not a bill.**

Site Address: 15651 SE HOLLY CT  
MILWAUKIE, OR 97267  
Legal Description: 22E07DB01500  
Violation Number: V0028921

You are receiving this letter because there are one or more pending code violations on the above referenced property. As you have been informed in previous correspondence from the Clackamas County Code Enforcement Section, a \$75.00 per month administrative compliance fee may be imposed against you by the County. Upon imposition of this fee by the County, the date from which the fee will be imposed is 07/23/2021, because that is the date on which County staff verified the code violation.

If imposed by the County this administrative compliance fee will continue to accrue monthly until the code violation has been abated. If the administrative compliance fee is imposed against you as of the date indicated above, the fee amount currently owed to the County would be \$2,850.00. This administrative compliance fee is in addition to any other fines or penalties that may be imposed through citation or Hearings Officer actions.

Please note that Clackamas County encourages voluntary compliance in the resolution of code violations. The County in its discretion may waive all or part of the Administrative Compliance Fee and penalties that are imposed, if the violation(s) are removed in a timely manner and the matter is fully resolved in a cooperative fashion.

We look forward to working with you in the resolution of this matter.

Kim Benthin  
503-742-4457  
KimBen@clackamas.us

Clackamas County Code Enforcement

