



NOTICE OF HEARING

April 9, 2025

Julia S. Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

John Rodrigues
Agent of the Trustee of The Property Trust
PO Box 214
Joseph City, AZ 86032

RE:: County of Clackamas v. Julia S. Duncan Trustee and John Rodrigues Agent of the Trustee of The Property Trust

File: V0037423

Hearing Date: May 27, 2025

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

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

Enclosed you will find the following:

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

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

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

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to nexus41602023@gmail.com. A copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist. **Closed captioning is available for the zoom platform upon request.**

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

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

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

Topic: Code Enforcement Hearing - Julia S. Duncan Trustee & John Rodrigues Agent of the Trustee of The Property Trust - V0037423 - May 27 - 9:30 am

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/89824779262?pwd=3vArvIrFZteBbhraqDY3rgERbaj6Pf.1>

Passcode:803236

Phone one-tap:

+17193594580,,89824779262#,,,,*803236# US

+12532050468,,89824779262#,,,,*803236# US

Join via audio:

+1 719 359 4580 US

+1 253 205 0468 US



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 408 638 0968 US (San Jose)
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US

Webinar ID: 898 2477 9262

Passcode: 803236

International numbers available: <https://clackamascounty.zoom.us/j/89824779262>

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)
206.247.11.121 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
159.124.15.191 (Amsterdam Netherlands)
159.124.47.249 (Germany)
159.124.104.213 (Australia Sydney)
159.124.74.212 (Australia Melbourne)
170.114.180.219 (Singapore)
64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
159.124.196.25 (Canada Vancouver)
170.114.194.163 (Japan Tokyo)
147.124.100.25 (Japan Osaka)

Meeting ID: 898 2477 9262

Passcode: 803236

SIP: 89824779262@zoomcrc.com

Passcode: 803236

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER
for
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

JULIA S. DUNCAN TRUSTEE AND
JOHN RODRIGUES, AGENT OF THE
TRUSTEE OF THE PROPERTY TRUST,

Respondents.

File No: V0037423

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 39780 McCormick Dr, Sandy OR 97055 and PO Box 214, Joseph City, AZ 86032.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is T2S, R5E, Section 27B, Tax Lot 00600, and is located in Clackamas County, Oregon. The property is zoned TBR and is the location of violation(s) asserted by the County.

3.

On or about the 12th day of December, 2023, 21st day of December, 2023, 21st day of February, 2024, 27th day of November, 2024 and on the 9th day of April, 2025 the Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by accumulating miscellaneous debris. This violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.
- b. Respondents violated the Clackamas County Building Code, Chapter 9.02.040 by failing to obtain approved permits and approved final inspections for water hydrants installed without a plumbing permit. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.
- c. Respondents violated the Clackamas County Zoning and Development ordinance, Title 12, Section 406.04 (A) for occupied recreational vehicles on the subject property without land use approval. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violations was given to Respondents in the following manner:
Violation Notices dated December 12, 2023, December 21, 2023, February 21, 2024, November 27, 2024 and Citation and Complaint 2300374-1 in the amount of \$600.00 was mailed via first class mail on April 9, 2025. A copy of the notice document is attached to this Complaint as Exhibits D, G, K, O and T, and incorporated by this reference.

6.

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

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the 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 Solid Waste and Waste Management Code Priority 4 violation being \$100.00 to \$1,000.00, said range for a Building Code Priority 1 violation being \$750.00 to \$1,000.00 and said range for a Zoning and Development Ordinance Priority 2 violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code;
 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 April 9, 2025.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

JULIA S. DUNCAN TRUSTEE and
JOHN RODRIGUES AGENT OF THE
TRUSTEE OF THE PROPERTY TRUST,

Respondents.

File No.: V0037423

STATEMENT OF PROOF

History of Events and Exhibits:

November 9, 2023	Clackamas County Code Enforcement received a complaint regarding occupied recreational vehicles and household garbage on the subject property.
November 20, 2023 Exhibit A	Correspondence was mailed to the Respondent regarding the alleged violations. This correspondence was returned to the County as undeliverable.
December 4, 2023 Exhibit B	I conducted a site inspection of the subject property. I observed multiple occupied recreational vehicles and solid waste on site.
December 6, 2023 Exhibit C	A text message exchange between myself and Stephen Jones regarding the subject property.
December 12, 2023 Exhibit D	A Notice of Violation was mailed to all parties listed on the letter. The correspondence was also posted to the subject property, and a copy was emailed to Stephen Jones.
December 14, 2023 Exhibit E	I received a letter that Stephen Jones is the official limited contact for the subject property.
December 21, 2023 Exhibit F	Records from the State of Oregon Well Master indicating that a well was installed on the property in 1999.
December 21, 2023 Exhibit G	A updated Notice of Violation was mailed to include the Building Code violation. The notice was also emailed to Stephen Jones. The notice that was mailed to the McCormick Dr address was returned as undeliverable.
January 2, 2024 Exhibit H	I received an email from John Rodrigues who has the same email as Stephen Jones regarding the violation on the property.
January 9, 2024 Exhibit I	Clackamas County planner Liz Dance emailed John regarding a phone conversation that Liz and John had. Liz Dance provided John with information on how to apply for a temporary forest labor camp for the

subject property.

February 16, 2024 Exhibit J	Land use Z0033-24 was applied for, however, the application was deemed incomplete.
February 21, 2024 Exhibit K	An updated Notice of Violation was mailed providing a deadline of March 17, 2024 to submit the missing information for land use application Z0033-24.
March 18, 2024 Exhibit L	Citation 2300374 was sent first class mail to the mailing address on file and a copy was sent to the The Property Trust – Julia Duncan Trustee in Joseph City, AZ. The copy sent to the mailing address on file with the assessor office was returned as undeliverable.
April 11, 2024 Exhibit M	I researched County records and found that Z0033-24 was deemed complete on April 2, 2024. The missing information was received by the deadline date of the correspondence sent on February 21, 2024, however, the status of the file was not updated until April 2, 2024. This citation was voided.
November 21, 2024 Exhibit N	Land use Z0033-24 was denied.
November 27, 2024 Exhibit O	An updated Notice of Violation was sent with a deadline of January 10, 2025 to abate the violations.
January 14, 2025 Exhibit P	I conducted a site inspection. The property remained in violation.
January 15, 2025 Exhibit Q	Citation 2300374 was issued for the Zoning, Building and Solid Waste code violations. The citation amount was \$600.00. The citation was sent to the mailing address on file with a copy being sent to the Joseph, AZ address. The citation sent to the mailing address was returned to the County as undeliverable. This citation was voided due to the Trust not being listed on the citation.
March 20, 2025 Exhibit R	Citation 2300374-1 was issued for the Zoning, Building and Solid Waste code violations. The Trustee and the Trust were added to the citation. The citation was mailed first class mail. The citation sent to the mailing address on file was returned as undeliverable. The citation remains unpaid.
April 3, 2025 Exhibit S	I received an email from John Rodrigues requesting a hearing.

April 9, 2025 Exhibit T	Amended Citation 2300374-1 was mailed first class mail to the mailing address on file for Julia S. Duncan Trustee and to John Rodrigues, Agent of the Trustee of The Property Trust, PO Box 214, Joseph City, AZ 86032. A copy of the citation was emailed to John Rodrigues. The copy that was mailed to the mailing address on file was returned to the County. The citation remains unpaid.
April 9, 2025	This matter was referred to the Hearings Officer.
April 10, 2025 Exhibit U	The County emailed the Hearings Officer requesting that a subpoena be issued to the Respondent to obtain the trust documents pertaining to the subject property.
April 14, 2025 Exhibit V	A subpoena request was issued by the Hearings Officer.
April 22, 2025 Exhibit W	Mr. Rodrigues submitted a response to the subpoena request.

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040, the Solid Waste and Waste Management Code, Chapter 10.03.060(A)(B), Zoning and Development Ordinance Title 12, Section 406.04(A) exists, the County is requesting a Final Order in this matter recommending the following:

- The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited March 20, 2025.
- The imposition of civil penalties for the Solid Waste and Waste Management Code violation of up to \$1,000.00 for date cited March 20, 2025.
- The imposition of civil penalties for the Zoning and Development Ordinance violation of up to \$2,500.00 for date cited March 2025.
- Payment for Citation No. 2300374-1 issued on March 20, 2025 for \$600.00.
- The administrative compliance fee to be imposed from December, 2023 until the violation is abated. As of this report the total is \$1,125.00.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- The County requests the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 20, 2023

Julia Duncan Trustee
39780 McCormick Dr.
Sandy, OR 97055

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 406 and the Solid Waste Code, Title 10.03.060
of the Clackamas County Code**

Site Address: No Situs
Legal Description: T2S, R5E, Section 27B, Tax Lot 600

It has come to the attention of Clackamas County Code Enforcement that an unauthorized occupied recreational vehicle may exist on the above referenced property.

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

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 406 and the Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

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

E-mail address is JKauppi@clackamas.us

Telephone number is 503-742-4759

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

Department of Transportation and Development

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¡LE DAMOS LA BIENVENIDA! Spanish

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ДОБРО ПОЖАЛОВАТЬ! Russian

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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，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

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

Property Account Summary



00697963

Account Number	00697963	Property Address	NO SITUS , ADDRESS, OR	
General Information				
Alternate Property #	25E27B 00600			
Property Description	Section 27 Township 2S Range 5E Quarter B TAX LOT 00600			
Property Category	Land &/or Buildings			
Status	Active, Locally Assessed, Use Assessed			
Tax Code Area	046-004			
Remarks				
Tax Rate				
Description	Rate			
Total Rate	11.257			
Property Characteristics				
Property Tax Deferral	Potential Additional Tax Liability			
Neighborhood	16054: Sandy East to Alder Creek all other			
Land Class Category	660: Small Tract Forestland Option Vacant			
Acreage	11.6			
Fire patrol acres	11.60			
Change property ratio	6XX			
Related Properties				
No Related Properties Found				
Parties				
Role	Percent	Name	Address	
Taxpayer	100	DUNCAN JULIA S TRUSTEE	39780 MCCORMICK DR, SANDY, OR 97055	

Owner	100	DUNCAN JULIA S TRUSTEE	39780 MCCORMICK DR, SANDY, OR 97055		
Property Values					
Value Type	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019
AVR Total	\$1,485	\$1,438	\$1,392	\$1,346	\$1,311
Exempt					
TVR Total	\$1,485	\$1,438	\$1,392	\$1,346	\$1,311
Real Mkt Land	\$327,955	\$311,845	\$253,158	\$225,541	\$223,240
Real Mkt Bldg					
Real Mkt Total	\$327,955	\$311,845	\$253,158	\$225,541	\$223,240
M5 Mkt Land					
M5 Mkt Bldg					
M5 SAV	\$2,691	\$2,320	\$2,239	\$2,216	\$2,018
SAVL (MAV Use Portion)	\$1,485	\$1,438	\$1,392	\$1,346	\$1,311
MAV (Market Portion)					
Mkt Exception					
AV Exception					
Active Exemptions					
No Exemptions Found					
Events					
Effective Date	Entry Date- Time	Type	Remarks		
07/10/2008	07/10/2008 16:36:00	Current Use Removal--To Year Value Set	Effective to year 2003 Designated Forestland by PAULAOAK		
07/29/2004	07/29/2004 10:15:00	Property Use Approval	11.60 Acres for 2004 -Approved Small Tract Forestland Option by JEANBOR		
03/22/2004	04/03/2004 13:07:00	Recording Processed	Property Transfer Filing No.: 93696, Letter 03/22/2004 by LAURIEB		
03/22/2004	04/03/2004 13:07:00	Taxpayer Changed	Property Transfer Filing No.: 93696 03/22/2004 by LAURIEB		
10/15/2001	10/18/2001 14:17:00	Taxpayer Changed	Property Transfer Filing No.: 40876 10/15/2001 by LAURIEB		
10/15/2001	10/18/2001 14:17:00	Recording Processed	Property Transfer Filing No.: 40876, Bargain & Sale, Recording No.: 2001- 084588 10/15/2001 by LAURIEB		



**CLACKAMAS
COUNTY**

**DEVELOPMENT SERVICES BUILDING
CODE ENFORCEMENT**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Julia Duncan Trustee
39780 McCormick Dr.
Sandy, OR 97055

NIXIE

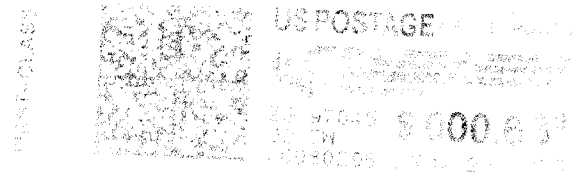
971 FE 1

0011/24/23

RETURN TO SENDER

NOT DELIVERABLE AS ADDRESSED

9705537480 R006





DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 20, 2023

Julia Duncan Trustee
39780 McCormick Dr.
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**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 406 and the Solid Waste Code, Title 10.03.060
of the Clackamas County Code**

Site Address: No Situs

Legal Description: T2S, R5E, Section 27B, Tax Lot 600

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Telephone number is 503-742-4759

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www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问

www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은

홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.













After recording return to:

Jim Duncan
39780 McCormick Drive
Sandy, OR 97055

Clackamas County Official Records
Sherry Hall, County Clerk

2016-014242

03/01/2016 11:35:22 AM

D-DC Cnt=1 Str=2 LESLIE
\$5.00 \$16.00 \$10.00 \$22.00

\$53.00

FIRST AMERICAN 2584423-HB

STATE OF OREGON

CERTIFICATION OF VITAL RECORD

OREGON HEALTH AUTHORITY CENTER FOR HEALTH STATISTICS CERTIFICATE OF DEATH

725876

I.D. TAG NO.

STATE FILE NUMBER

1. Legal Name First Julia Middle S. Last Duncan Suffix			2. Death Date October 21, 2015				
3. Sex Female		4. Age 87 years		5. Social Security Number 514-28-4889		6. County of Death Clackamas	
7. Birthdate April 25, 1928		8. Birthplace Axtell, Kansas		9. Decedent's Education Bachelor's degree			
10. Was Decedent of Hispanic Origin? No			11. Decedent's Race(s) White			12. Was Decedent Ever in U.S. Armed Forces? No	
13. Residence: Number and Street 39780 McCormick Drive				14. City/Town Sandy			
15. Residence County Clackamas		16. State or Foreign Country Oregon		17. Zip Code + 4 97055		18. Inside City Limits? Yes	
19. Marital Status at Time of Death Married			20. Spouse's Name Prior to First Marriage Jim Duncan				
21. Usual Occupation Telecommunications Engineer				22. Kind of Business/Industry U.S. Government			
23. Father's Name August Clement Stueve				24. Mother's Name Prior to First Marriage Marie Helen Johnson			
25. Informant's Name Jim Duncan		26. Telephone Number Not Available		27. Relationship to Decedent Spouse		28. Mailing Address 39780 McCormick Drive, Sandy, OR 97055	
29. Place of Death Decedent's Residence				30. Facility Name			
31. Location of Death 39780 McCormick Drive				32. City/Town or Location of Death Sandy		33. State Oregon	
34. Zip Code + 4 97055		35. Method of Disposition Burial		36. Place of Disposition Willamette National Cemetery		37. Location Portland, Oregon	
38. Name and Complete Address of Funeral Facility Sandy Funeral Home 39551 Pleasant St, Sandy, Oregon 97055							
39. Date of Disposition October 27, 2015		40. Funeral Director's Signature Paula J Niska				41. OR License Number FS-0247	
42. Registrar's Signature Jennifer A. Woodward		43. Date Received NOV 10 2015		44. Local File Number			
45. Amendment							

4522980

TO BE COMPLETED BY FUNERAL FACILITY

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORD FACTS ON FILE IN THE VITAL RECORDS UNIT OF THE OREGON CENTER FOR HEALTH STATISTICS.

DATE ISSUED:

NOV 10 2015

JENNIFER A. WOODWARD, Ph.D.

EXHIBIT C - PAGE 1 OF 3

THIS COPY IS NOT VALID WITHOUT OFFICIAL VITAL RECORD FLAG WATERMARK AND HOLOGRAPHIC SEALS.

Hi Stephen, this is Jennifer I can text back-and-forth. Let's try it this way. How are you connected to the property? I am the owners authorized agent. I have been authorized to find out all I can about this situation. I appreciate your help in resolving this. Thanks. If you need to send copies of anything the best email address to use is nexus41602023@gmail.com. again, thanks

There is a lot going on with the property....specifically the tax lot next door to the main address. Lots of occupied RV's and solid waste. Everyone and all the sw must be removed within 30 days. Also, the mailing address listed for both properties is incorrect and there may be additional legal issues coming to the property. I would recommend we talk. I am here to assist. Thank you

Also, before releasing information I need documentation that you are in fact authorized to release documents to. Legally I cannot take your work for it since the property has not gone through probate

What form of authorization documentation do you require?

A notarized document stating that you are the legally appointed agent for the deceased owner

Ok. I'll have it prepared and sent to you. Given, notarization would you need to have it USPS mail?

You can mail it or bring it into the office.

Who is living in the trailers?

I would have to mail it. I am not in the area right now.

That is fine. The official letter is being mailed today. I will be posting notice to the properties next week. Are you going to be notifying the occupants of the rv's that they will have to leave?

I need to see the letter. The owner of the property has moved the official mailing address. New address for mail is

[https://protect-us.mimecast.com/s/E1bJCKRL39iYG5nNi2NEyq?domain=p.o.box 214,](https://protect-us.mimecast.com/s/E1bJCKRL39iYG5nNi2NEyq?domain=p.o.box%20214)
Joseph City, AZ 86032

Also, several of the owners relatives have been contacted by your office. They have nothing to do with this property and request that you stop contacting them.

Once I have the letter I can hopefully answer your specific questions.

It is recorded at the county as owned by "The Property Trust"

Julia Duncan, Trustee

P.O. Box 214,

Joseph City, AZ 86032

Im not sure if address for the county has been changed. I'll get that looked into.

Contact the assessor office. They are the group that handles those updates.

Thank you. I'll make sure it is correct

I just sent you a copy of the letter

Thank you.





DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF VIOLATION

December 12, 2023

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

Julia S Duncan Trustee
46451 SE Hwy 26
Sandy, OR 97055

Occupants
No Situs
25E27B 00600

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Code Ordinance Title 12, Section 406.04

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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

- Solid waste being stored on the property including inoperable and/or non-currently licensed vehicles
- Occupied recreational vehicles without land use approval

VIOLATIONS & HOW TO RESOLVE

On November 9, 2023 Clackamas County received a complaint regarding multiple occupied recreational vehicles and solid waste on the subject property. I conducted a site inspection on December 4, 2023 and confirmed the violation exists on the subject property. I observed 5-6 occupied recreational vehicles, miscellaneous debris and multiple vehicles on site. Research of the property indicates that there is no approved primary use on the subject property. This is a violation of Zoning and Development Ordinance Title 12, Section 406.04 and Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B). **In order to abate the violation, please complete the follow no later than January 6, 2024.**

Occupied Recreational Vehicles

The occupied recreational vehicles without a primary use constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 406.04

- The recreational vehicles must be removed from the subject property to an authorized location.
- If any water or electrical connections have been installed on the property, permits will need to be submitted to either permit what can remain on the property or decommission what cannot remain.
- Contact Code Enforcement Specialist Jennifer Kauppi to conduct a site inspection of the property to confirm the removal of the recreational vehicles.

Solid Waste

The subject property does not have a legally established primary use. No solid waste, miscellaneous debris, vehicles or household garbage may remain on the subject property.

- You must remove all solid waste including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste and all vehicles to an authorized location.
- Contact Code Enforcement Specialist Jennifer Kauppi to conduct a site inspection of the property to confirm the waste is removed and meets County code compliance.

CONTACT INFORMATION

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

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

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

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

10.03.030 Definitions

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

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

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

10.03.060 Solid Waste or Wastes Accumulation Prohibited

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

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

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

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

(3) Constructing a tire fence for any purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Good morning Stephen. I went to the highway 26 property yesterday and posted the violation notice to the gate. I saw the documentation that was posted to the gate regarding the land-use. Yesterday I sent you an email with the response from senior planner Martha Fritz regarding the documentation that was posted. I also sent a copy in the mail to the PO Box in Arizona. If you have any further questions regarding that email, feel free to contact me at 503-348-4692



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

FIRST-CLASS



US POSTAGE



ZIP 97045
02 7W
000802951

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

8603280214 B002





DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF VIOLATION

December 12, 2023

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

Julia S Duncan Trustee
46451 SE Hwy 26
Sandy, OR 97055

Occupants
No Situs
25E27B 00600

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Code Ordinance Title 12, Section 406.04

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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

- Solid waste being stored on the property including inoperable and/or non-currently licensed vehicles
- Occupied recreational vehicles without land use approval

VIOLATIONS & HOW TO RESOLVE

On November 9, 2023 Clackamas County received a complaint regarding multiple occupied recreational vehicles and solid waste on the subject property. I conducted a site inspection on December 4, 2023 and confirmed the violation exists on the subject property. I observed 5-6 occupied recreational vehicles, miscellaneous debris and multiple vehicles on site. Research of the property indicates that there is no approved primary use on the subject property. This is a violation of Zoning and Development Ordinance Title 12, Section 406.04 and Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B). **In order to abate the violation, please complete the follow no later than January 6, 2024.**

NOTICE

Under 406.04 of Clackamas County Zoning Regulations:

A copy of which is posted to the right.

A Permitted primary use **IS** Forest Operations

Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.03 regarding a development restriction that may apply if excessive tree removal occurs.

No Further Permit is required for engaging in these (Forest Farming Operations) is required.

Further, Recreational is a forest practice under ORS 215

406.04

USES PERMITTED

Uses permitted in the TBR District are listed in Table 406-1, *Permitted Uses in the TBR District*.

A. As used in Table 406-1:

1. "A" means the use is allowed.
2. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

406-2

Last Amended 1/4/16

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

4. The "Subject To" column identifies any specific provisions of Subsection 406.05 to which the use is subject.
- B. Permitted uses are subject to the applicable provisions of Subsection 406.07, *Dimensional Standards*; Subsection 406.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 406-1: Permitted Uses in the TBR District

	Type	Use	Subject To
FARM AND FOREST USES	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.03 regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if a primary farm or forest use exists.	406.05(B)(1)
	TYPE II	Temporary portable facility for the primary processing of forest products.	406.05(A)(1) & (6)
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1) & (6)
	C	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (6)
	C	Log scaling and weigh stations.	406.05(A)(1) & (6)
			Subject To
NATURAL RESOURCE USES	Type	Use	
	A	Uninhabitable structures accessory to fish and wildlife enhancement.	406.05(A)(1) & (C)(1)
	C	Forest management research and experimentation facilities.	

406-3

Last Amended 1/4/16

12/12/2023 12:35

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Tuesday, December 12, 2023 3:23 PM
To: 'NEXUS41602023@GMAIL.COM'
Subject: NO Situs - 25E27B 00600 - Violation V0037423
Attachments: 23-12-12 IMG_4180 (185).JPG

Hello,

I posted the violation notice to the property today and found that this attached letter was posted to the gate.

I sent this information directly to our planning department and the response is below.

The deadline to remove all the recreational vehicles, structures, vehicles and solid waste is January 6, 2024. I will be out to inspect after that date. Should the violation still be present a citation will be issued and enforcement will continue.

Please let me know if you have any questions.

Thank you
Jennifer

From: ZoningInfo <ZoningInfo@clackamas.us>
Sent: Tuesday, December 12, 2023 3:18 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: RE: NO Situs - 25E27B 00600

Hi Jennifer. I am not sure what exactly you are looking for but I can say that residing on a property is not a forest use – it is a residential use. Nowhere in the state law does forest use, forest operations, or forest practices include residential or recreational uses. They may be allowed on a site zoned for forest uses but in all cases, would require land use review. Residing in RVs and/or tents on a property is not allowed unless there is an approved campground/RV park or a temporary forest labor camp, which there does not appear to be on this site. Residing in a structure that is not approved and permitted as a dwelling is also not allowed.

The property (noted above) is indeed zoned TBR (Timber). Allowed uses are listed in Table 406-1, [here](#). Residential uses are listed separately from forest uses and campgrounds are listed under “Parks and Public/Quasi-Public Uses”. Establishing a campground would require a conditional use permit and there are strict standards that would need to be met. Alternatively, if there is really a forestry operation on the property (activities related to commercial harvest of trees), then a temporary forest labor camp could possibly be approved through a Type II land use application, as noted in the table.

Let me know if you need anything else,
Martha

Clackamas County Planning & Zoning
150 Beavercreek Road
Oregon City, OR 97045
ZoningInfo@clackamas.us
Tel: 503-742-4500



The Planning and Zoning public service telephone line at 503-742-4500 , email account at zoninginfo@clackamas.us and public service lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. The public service email, phone, and lobby are closed on Friday.

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

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Kauppi, Jennifer <JKauppi@clackamas.us>

Sent: Tuesday, December 12, 2023 2:40 PM

To: ZoningInfo <ZoningInfo@clackamas.us>

Subject: NO Situs - 25E27B 00600

Hello,

The subject property has 5-6 occupied rv's and what appears to be some occupied shack structure. I posted the notice of violation to the property today as the mailing address for the legal owner is incorrect.

Someone from the trust that I've been talking to posted this to the gate giving the County the reason as to why all the occupied rv's are ok to be there.

The property is TBR. Aside from the fact there is no septic or water (legal) on site.

I am looking for a formal response to planning regarding the letter and zoning 'laws' they quoted are not applicable.

Thank you for your help.

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Were you happy with the service you received today?



The Property Trust
P.O. Box 214
Joseph City, OR 97032

Sustainability

Jeanette Kauppi
Department of Transportation And Development
150 Beaver Creek Road
Oregon City, OR 97045

PHOENIX AZ 852

8 DEC 2023 PM 10 L



97045-430250



EXHIBIT E _ PAGE 1 OF 2

Certification of Limited Agent of Trust

It has come to the attention of the Trustee of "The Property Trust" that there is "Jennifer copy" a code enforcement specialist from Clackamas County who is trying to reach the Trustee in regards to a property on Southeast Highway 26.

We have decided that our official limited contact agent for this matter will be Stephen Jones. Mr. Jones can be reached via Telephone or Text at 503-854-9691.

It is our understanding that he has already reached out to Jennifer but that she was not able to answer his questions without this document.

Stephen also has an email address nexus41602023@gmail.com if you need to send larger files and documents. Additionally he can receive mail at

P.O. Box 214
Joseph City, AZ 86032

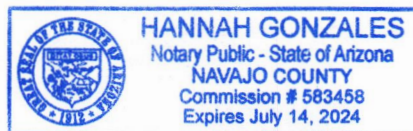
He will forward the information to us.

He will be happy to work with you in any manner he can to help to resolve this issue.

DATED: December 6, 2023

STATE OF ARIZONA]
] ss.
County of Navajo]

[Signature] - notary



From: [Kauppi, Jennifer](#)
To: ["Amy.J.Landvoigt@oregon.gov"](mailto:Amy.J.Landvoigt@oregon.gov)
Subject: No Situs - Tax Lot - 25E27B 00600
Date: Thursday, December 21, 2023 9:30:50 AM
Attachments: [image001.jpg](#)

Amy,

Hello! Hoping you can help.

I have a property with a violation on it. This is supposed to be vacant land, however, it appears that water has been brought onto the property.

Do you have any record of a well being drilled at this location? I know in 1999 there was nothing on site.

Thank you!

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.



STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

CLAC
54877

WELL I.D.# 22575 (START CARD)# 119255

(1) OWNER: Well Number _____
Name Hanning, Trimble + Stone
Address P.O. Box 10
City Sandy State ORE Zip 97055

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other _____

(4) PROPOSED USE:
☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 115 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL				
Diameter	From	To	Material	From	To	Sacks or pounds	
10"	0	30	Cement	5	30	12	
10"	0	30	Bent.	0	5	3	
6	30	115					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☒ Other Bent. Poured Dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

		Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:		6 7/8	41	37	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:		4"	25	115	30 1/2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:									
<input checked="" type="checkbox"/> Perforations		Method <u>SK2 SAW</u>							
<input type="checkbox"/> Screens		Type _____		Material _____					
From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner		
75	115	8/16	72			<input type="checkbox"/>	<input checked="" type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>		

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing
Yield gal/min _____ Drawdown _____ Drill stem at _____ Time _____
20 20 2 hrs

Temperature of water 52° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: 15'

(9) LOCATION OF WELL by legal description:
County Clack Latitude _____ Longitude _____
Township 3 N of S Range 5 E or W. WM.
Section 27 NW 1/4 SE 1/4
Tax Lot 600 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) East of Sandy Hwy 26, 1/2 mile past McCabe Rd on left over hill.

(10) STATIC WATER LEVEL:
65 ft. below land surface. Date 7/1/99
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 15

From	To	Estimated Flow Rate	SWL
15	16	1/2 GPM	12
95	115	20	65

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
SOL Brown	0	1	
Clay Brown	1	15	
Clay Brown sm Cabbles	15	21	12
Clay stone Brown w/ Brown sandstone Cong.	21	95	
Brown Sandstone med w/sm. Gravel Consolidate	95	113	65
Clay White sticky	113	115	65
RECEIVED			
AUG 18 1999			
WATER RESOURCES DEPT. SALEM, OREGON			

Date started 6-30-99 Completed 7-1-99

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 792
Signed Rick Wallert Date 7-5-99



UPDATED NOTICE OF VIOLATION

December 21, 2023

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

Julia S Duncan Trustee
46451 SE Hwy 26
Sandy, OR 97055

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Code Ordinance Title 12, Section 406.04, Oregon DEQ OAR 340-071-0130(2) discharging of wastewater to the ground surface or unapproved system and Building Code, Title 9.02.040(C).

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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

- Solid waste being stored on the property including inoperable and/or non-currently licensed vehicles
- Occupied recreational vehicles without land use approval
- Operating a recreational vehicle park campground without land use approval
- Discharging of wastewater onto the ground or into an unpermitted waste water system.

VIOLATIONS & HOW TO RESOLVE

On November 9, 2023 Clackamas County received a complaint regarding multiple occupied recreational vehicles and solid waste on the subject property. I conducted a site inspection on December 4, 2023 and confirmed the violation exists on the subject property. I observed 5-6 occupied recreational vehicles, miscellaneous debris and multiple vehicles on site. Research of the property indicates that there is no approved primary use on the subject property.

Further review of my site inspection photos taken on December 4th and December 12th show that several water hydrants have been installed without plumbing permits and a wastewater hose from at least one of the RV's is being discharged onto the ground or into an unpermitted waste disposal system. This is a violation of Zoning and Development Ordinance Title 12, Section 406.04, Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B), Oregon DEQ OAR 340-071-0130(2) discharging of wastewater to the ground surface or unapproved system and Building Code, Title 9.02.040(C). **In order to abate the violations, please complete the follow no later than January 6, 2024.**

Occupied Recreational Vehicles

The occupied recreational vehicles without a primary use constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 406.04

- The recreational vehicles must be removed from the subject property to an authorized location.
- The water hydrants that have been installed will need approved permits to remain on the property or decommission if not allowed. This will be determined by the planning department. Any electrical connections that have been installed on the property, will also require permits for the installation or removal.
- Contact Code Enforcement Specialist Jennifer Kauppi to conduct a site inspection of the property to confirm the removal of the recreational vehicles.

Solid Waste

The subject property does not have a legally established primary use. No solid waste, miscellaneous debris, vehicles or household garbage may remain on the subject property.

- You must remove all solid waste including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste and all vehicles to an authorized location.
- Contact Code Enforcement Specialist Jennifer Kauppi to conduct a site inspection of the property to confirm the waste is removed and meets County code compliance.

Wastewater System

As previously stated, the photographs that were taken of the subject property reflect that at least one of the RV's is either discharging wastewater onto the ground or into an unapproved waste disposal system. A search of County records reflect that no permits have been issued to install a septic system on the subject property.

- You must submit or have your professional submit a complete septic permit application and pay the appropriate fees for any septic system that has been installed on the subject property.
 - Once approved you will have 30 days to receive all required inspections including an approved final inspection on the septic system(s).

CONTACT INFORMATION

Planning – Zoninginfo@clackamas.us 503-745-4500

Building – Bldservice@clackamas.us 503-745-4240

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

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

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

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

10.03.030 Definitions

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

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

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

10.03.060 Solid Waste or Wastes Accumulation Prohibited

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

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

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

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

(3) Constructing a tire fence for any purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Thursday, December 21, 2023 1:04 PM
To: 'NEXUS41602023@GMAIL.COM'
Subject: V0037423 - No Situs - Updated Violation Letter
Attachments: 23-12-21 Updated Violation Letter.pdf

Stephen,

Hello. Please see the attached copy of the updated notice of violation for the Hwy 26 property – Julia S Duncan Trustee.

A copy has been sent in the mail today.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beavercreek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Were you happy with the service you received today?





CLACKAMAS
COUNTY

DEVELOPMENT SERVICES BUILDING

CODE ENFORCEMENT

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Julia S Duncan ~~Trustee~~
39780 McCormick Dr
Sandy, OR 97055

FIRST-CLASS



US POSTAGETM PITNEY BOWES



ZIP 97045 \$ 000.63⁰
02 7W
0008029510 DEC 21, 2023

.. 9326010073410489

FWD

97055 97045 97055

971 DFE 1 C23C0012/26/23
RETURN TO SENDER
DUNCAN
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER
BC: 97045430250 *0129-04089-21-46
EXHIBIT G - PAGE 8 OF 9



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

UPDATED NOTICE OF VIOLATION

December 21, 2023

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

Julia S Duncan Trustee
46451 SE Hwy 26
Sandy, OR 97055

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Code Ordinance Title 12, Section 406.04, Oregon DEQ OAR 340-071-0130(2) discharging of wastewater to the ground surface or unapproved system and Building Code, Title 9.02.040(C).

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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VIOLATIONS & HOW TO RESOLVE

On November 9, 2023 Clackamas County received a complaint regarding multiple occupied recreational vehicles and solid waste on the subject property. I conducted a site inspection on December 4, 2023 and confirmed the violation exists on the subject property. I observed 5-6 occupied recreational vehicles, miscellaneous debris and multiple vehicles on site. Research of the property indicates that there is no approved primary use on the subject property.

Ferber, Christiane

From: Sui Juris <nexus41602023@gmail.com>
Sent: Tuesday, January 2, 2024 12:35 PM
To: Nesbitt, Lindsey
Cc: Kauppi, Jennifer
Subject: Fwd: County Code Enforcement Violation V 0037423
Attachments: 23-12-21 Updated Violation Letter.pdf; Letter Jennifer Kauppi 1-2-24.pdf

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

I have been endeavoring to get a hold of anyone at the planning department with regards to the following.

Basically, as I understand it, the code enforcement division believes that some sections of state law that enumerate and secure primary uses are not applicable. We have repeated asked without response whether any evidence exists to support that legal finding that causes a cascade of violations that would exist if the code enforcement divisions understanding is indeed correct. However, in speaking with an attorney, Mr. Ken Dobson suggested that the planning department would be where, if a permit was required, that we would be able to secure one.

To that end I have called the planning department and left messages , sometimes 5 times a day but as yet have not had a call back. Alos, I can be contacted through my agent Mr. Stephen Jones, nexus41602023@gmail.com. It is in desperation, since we have not been able to speak to a planning department official that we found your name as a supervisor in the planning department. A quick internet search resulted in your work email address which is why I am contacting you now.

Or call us at 503-539-2813

----- Forwarded message -----

From: Sui Juris <nexus41602023@gmail.com>
Date: Tue, Jan 2, 2024 at 10:17 AM
Subject: County Code Enforcement Violation V 0037423
To: <michael.thompson@oregon.gov>
Cc: <districtattorney@clackamas.us>, <bcc@clackamas.us>, <kelly.reid@dlcd.oregon.gov>, <dlcd.info@dlcd.oregon.gov>, <zoninginfo@clackamas.us>

We have been having trouble getting any questions answered by Jennifer Kauppi, Clackamas County Code Enforcement Specialist. At this point, we have requested that Jennifer Kauppi, sign and date all of her correspondences with us. She has chosen not to acknowledge our request and continues to send items to us that are unsigned.

Further, we requested in writing, sent via USPS, that, given that she claims that there is "no approved primary use", to answer the question as to whether or not any evidence exists that supports her conclusion that there "is no approved primary use". She chose to be unresponsive and did not answer our question. Instead she sent another unsigned letter detailing a process by which I could order a copy of the violation file for \$115.70. That is not what was requested.

Given that the original Notice of Violation was improperly formatted and not signed, I returned and invalidated it, without dishonor. In response to that, she issued a new "Updated Notice of Violation". It also is not signed.

Here is the copy of the "Updated Notice of Violation" that was sent on Dec. 21, 2023

This letter states that we do not have a Primary Permitted use and that we are discharging wastewater to the ground surface.

For your information:

1. It is not true that we are discharging wastewater to the ground surface or unapproved system and Building Code, Title 9.02.040(C).

2. It is not true that we are "without a primary use", or that "the subject property does not have a legally established primary use."

3. There were some items that were existing upon the land that are solid wastes, like tires, and old televisions that were on the property scattered throughout the acreage that we have been collecting and staging so that we can efficiently haul and dispose of them. Those items will be handled before the deadline of January 6, 2024. Also, a 1974 pickup truck and a 1960's era trailer, which has been converted to a log skidding rigs is on the site but since they are implements of farm/forestry operations are exempt according to Clackamas County Solid Waste and Wastes Management Code, Title 10, Chapters 10.03.010 (A) (33) which states "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."

We have contacted Mike Thompson, State Forester based out of Mollala Oregon for our area and he confirms that our property is and was enrolled into tax deferred status of TBR and that our stocking reports are current and that we are indeed engaged in "Forest Operations". Furthermore, Martha, who works for the planning department in clackamas county, confirms that according to her information, the property is indeed zoned TBR(Timber, Big-Game, Recreation).

If, that is true, then we have a "Primary permitted use", which is authorized by state law ORS 215.203(1) and 215.283 (1), as well as ORS 527 and that these uses are allowed as a RIGHT by that legislation unsubject to review or approval by counties or cities. [Brentmar v. Jackson Co.](#) This case carefully studies what the legislature intended when that law was penned. Further, OAR 660-006-0025 (2) "The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones" [OAR 660-06-0025](#)

Everything that is alleged in the NOTICE OF VIOLATION, **IS ALLOWED** by OAR 660-06-0025 (2) (a) (b) (c) and (d)

FACTS:

1. it is a fact that ORS 215.203, ORS 215.283 and ORS 527 were lawful acts of the legislature.
2. It is a fact that ORS 527 established "primary permitted uses" for landowners of TBR zoned properties and ORS 215.203(1) and ORS 215.283(1) established "uses permitted as a right" for Farm and Forest Lands.
3. it is a fact that the Department of Land Conservation and Development recognized these facts when it wrote the OAR's that were authorized by the legislature, specifically OAR 660-006-0025 (2) (a), (b), (c), and (d).

Indeed, as outline above "Forest Operations ARE a primary permitted use." Specifically, they are permitted under ORS 527, and OAR's that were authorized by that section of ORS; specifically, but not limited to 660-06-0025 (2) which I believe can be found here.

https://oregon.public.law/rules/oar_660-006-0025

[OAR 660-006-0025 Uses Authorized in Forest Zones](#)

That section on OAR's list uses that "SHALL" be permitted. other sections (1), and (3) for example use terminology of "may". This distinction separates the uses in section (2) as allowed by statute, without further limitations, not subject to review, specifically by counties and cities who would seek to regulate such practices under codes or ordinances that are limited by ORS 30.935, [Prohibition on local laws that make farm practice a nuisance or trespass](#) subject to abatement.

Further ORS 30.938 establishes that [Attorney fees and costs](#) will be awarded to the prevailing party.

Given the above, it is indeed annoying that Jennifer Kauppi seems to be ignorant of state law, and of the OAR's that pertain to this situation. I will be asking her directly if she is aware of these pertinent and relevant laws. We are currently conducting a review of previous land use hearings to see if these facts have been presented by others, and as such, ignorance can not be justified.

Finally, we have been attempting to contact the planning department of Clackamas County. We have called and left messages all this week, but given that it is a holiday week, they are apparently not staffed as they normally would be. This situation may make it necessary for us to continue our discussions past the deadline set by Jennifer Kauppi. We have requested more time to clear up the misunderstanding with regard to the "permitted primary uses" issues.

As stated before, as a show of good faith, and given that we, in no way, wish to store solid wastes of any kind, for any period of time longer than necessary, we will be handling the solid wastes issues by her deadline.

I hope all this helps you to understand the errors of the county's position and also to understand the facts as they exist. We seek to clear up this misunderstanding quickly.

Thank you

John Rodrigues

503-539-2813

From: [ZoningInfo](#)
To: nexus41602023@gmail.com
Cc: [Kauppi, Jennifer](#); [Lord, Melissa](#)
Subject: RE: County Code Enforcement Violation V 0037423
Date: Tuesday, January 9, 2024 11:19:39 AM
Attachments: [image003.jpg](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)
[image006.jpg](#)

Hello John,

Per our phone conversation you stated that you are actively logging this property and would like to have the people working the temporarily stay on the property. Attached is the Email Chain so far addressing the violation on the property.

To move forward with the Planning and zoning Division per ZDO 406 TBR zoning in conjunction with verifiable forest activity a Forest Labor Camp for no longer that one year would be an allowed use subject to a Type II Land use application per table 406-1 Residential Uses Forest Labor Camp.

The things needed in order to submit a complete application:

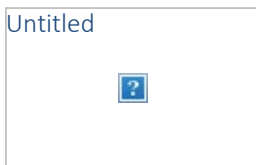
1. Verification of verifiable evidence of forest activity -
2. Site plan identifying the entire property and location of intended camp area
3. Narrative addressing Established Forest Operation as defined – ZDO 406-03(G) and Temporary Structures (L)
4. Evidence of who/how many people will be living in the camp and duration of time the use is needed – as this is a violation include time camp has been operation prior to submittal as well.

Attached are the Zoning code sections and appropriate applications if this is a viable pathway.

ZDO 406 – Link <https://dochub.clackamas.us/documents/drupal/ff968ded-6763-4c06-838a-0cc3c03b9d18>
General LU app – Fee \$1,065 - <https://dochub.clackamas.us/documents/drupal/ce03877d-5138-4586-83a6-d0de23ade11f>

Lizbeth Dance, Planner II

Clackamas County Planning & Zoning
150 Beaver Creek Rd
Oregon City, OR 97045
ZoningInfo@clackamas.us
Tel: 503-742-4500



The Planning and Zoning public service telephone line at 503-742-4500, email account at zoninginfo@clackamas.us, and public service lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. The public service email, phone, and lobby are closed on Friday.

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

cid:image001.jpg@01D93A42.DD96CB40



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Lord, Melissa **On Behalf Of** ZoningInfo
Sent: Monday, January 8, 2024 2:20 PM
To: Nesbitt, Lindsey <LNesbitt@clackamas.us>
Subject: FW: County Code Enforcement Violation V 0037423

To keep you in the loop on this property;
After his initial email last week Michelle Amend said she was going to respond. I am going to move this email to ZoningInfo's Deleted folder.

Mel

Melissa Lord (she/her)
Planner II

Clackamas County Planning and Zoning Division
150 Beavercreek Road, Oregon City, OR 97045
ZoningInfo@Clackamas.us | 503-742-4500

The Planning and Zoning public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m., and the public service lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m.



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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: THOMPSON Michael * ODF [<mailto:michael.thompson@oregon.gov>]
Sent: Friday, January 5, 2024 4:37 PM
To: Sui Juris <nexus41602023@gmail.com>
Cc: DA District Attorney <districtattorney@clackamas.us>; BCCMail <bcc@clackamas.us>; REID Kelly * DLCDC <Kelly.Reid@dlcd.oregon.gov>; INFO DLCDC * DLCDC <DLCD.INFO@dlcd.oregon.gov>; ZoningInfo <ZoningInfo@clackamas.us>; Amend, Michelle <MAmend@clackamas.us>; PETERS Chelsey L * ODF <Chelsey.L.PETERS@odf.oregon.gov>
Subject: RE: County Code Enforcement Violation V 0037423

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

Mr. Rodrigues,

I talked to you before the new year about a number of things and was unaware I was going to get pulled into a dispute you have with the county.

The first inquired about was your interest in truffle harvest on your property and if there was a permitting system to allow members of the public to harvest truffles from your forestland. I had mentioned there was a Truffle Bill back in 2013 I had heard about which I was unsure about our agency's regulatory authority on. See SB 578 Introduced

<https://olis.oregonlegislature.gov/liz/2013R1/Downloads/MeasureDocument/SB0578/Introduced>
Along with HB 2615 Enrolled

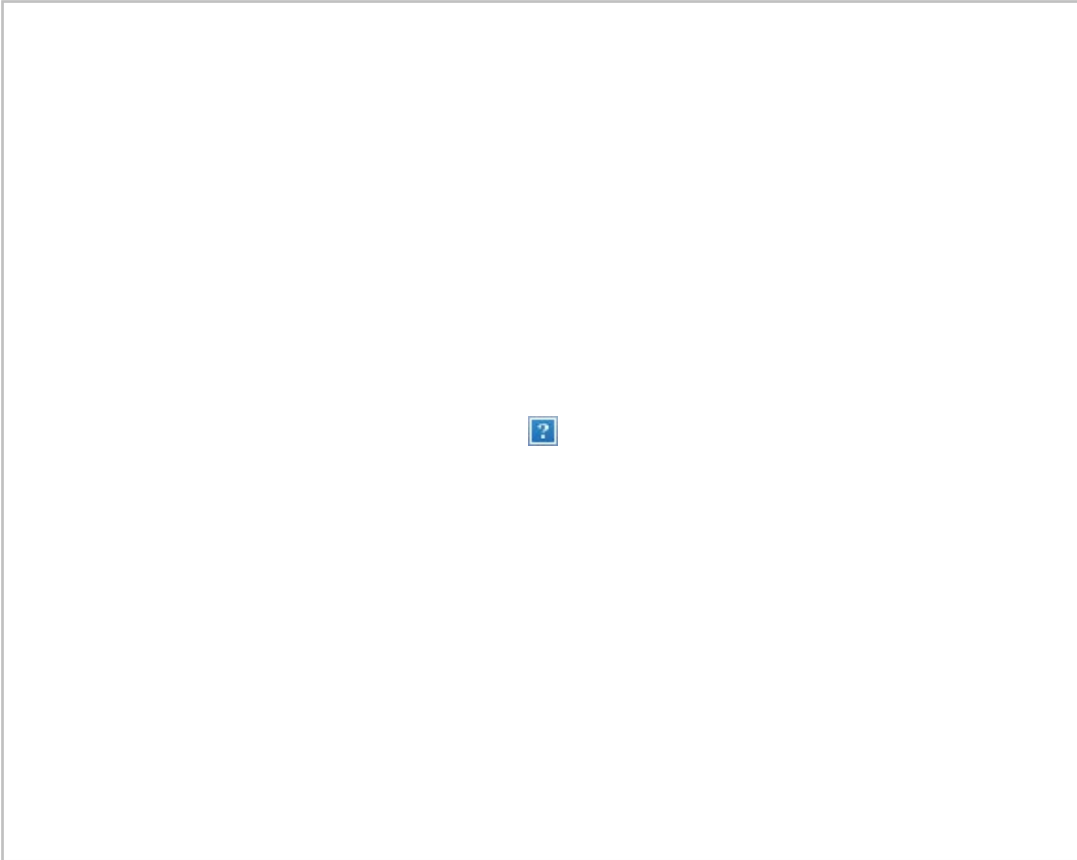
<https://olis.oregonlegislature.gov/liz/2013R1/Downloads/MeasureDocument/HB2615/Enrolled>

The legislation came at the request of landowners wanting to prevent truffle pickers from trespassing on their property and potentially damaging their trees and property and gives peace officers the authority to cite violators harvesting without the landowner's consent.

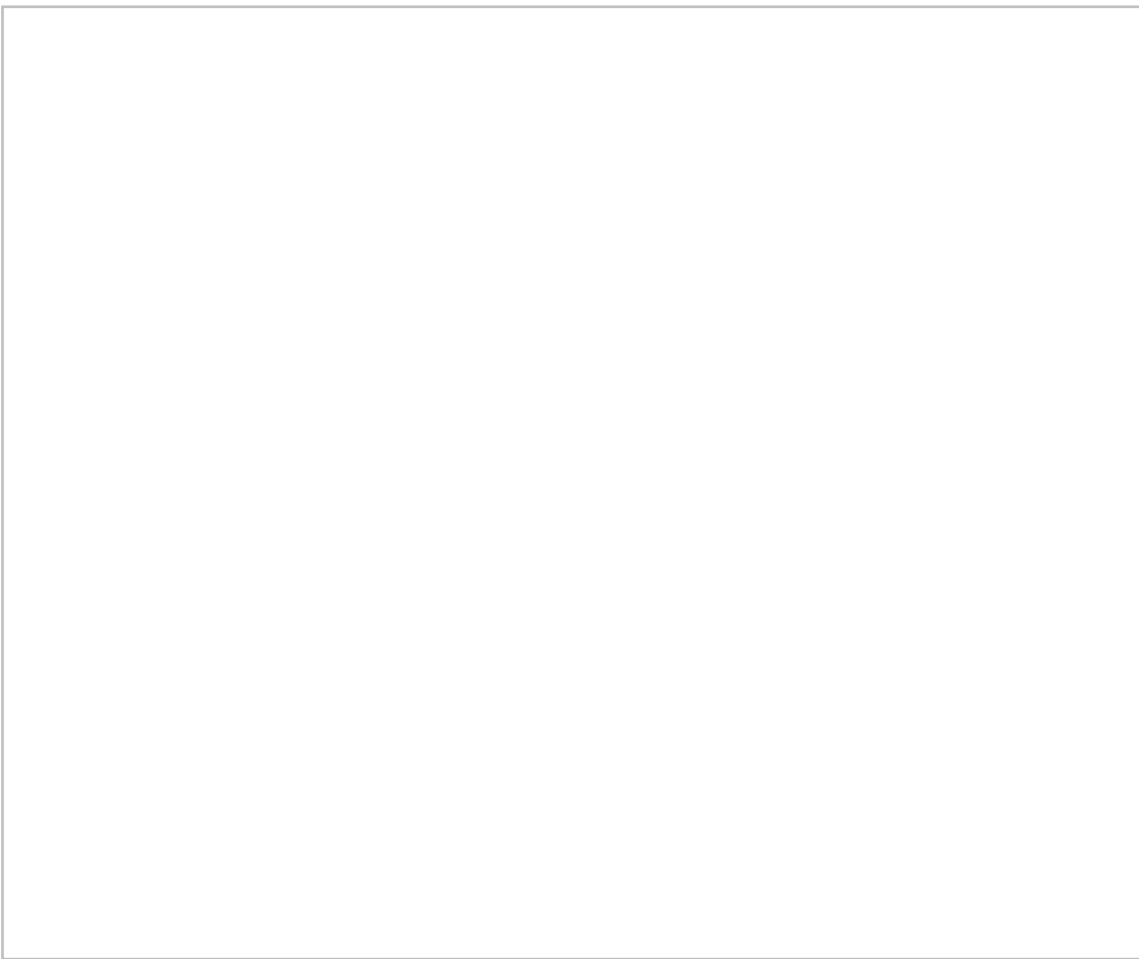
I've attached a copy of the special forest products permit for your use, but other than that we do not have any involvement in truffle harvest on private lands.

Commercial harvest of special forest products from State Forests requires a permit that will need to be obtained from a district office.

Now after talking about truffles you mentioned you were in disagreement with the county about your property's designated use. In looking at aerial photos and the tax lot information I see the property is under the basic classification 660 Small Tract Forestland vacant. The property looks like it was harvested sometime before 1995 judging by the oldest photo I can find on Google Earth.



We do not keep any records back to this date, but it appears there were some challenges with the reforestation or the property was not replanted. Nevertheless, the areas where the conifer did not take were filled in with red alder which is a commercial species the property meets stocking to be classified a forestland. We do not have any notifications for commercial harvest activity or forest management activities for this property on record.



I cannot speak to all the other elements being brought up in this dispute regarding abandoned vehicles, non-organic waste materials, discharging of wastewater, or structures and outbuildings. Abandoned and unlicensed vehicles are observed on private forestland, but that is out of my jurisdiction unless I see contaminants impacting waters of the state where I would pass that information on to the correct authorities.

Thanks,

MT

Mike Thompson
Stewardship Forester – Molalla
Oregon Dept. of Forestry
North Cascade District
14995 S Highway 211
Molalla, OR 97038
Office: 503-829-2216
Cell: 503-781-7829

From: Sui Juris <nexus41602023@gmail.com>

Sent: Tuesday, January 02, 2024 9:17 AM

To: THOMPSON Michael * ODF <michael.thompson@oregon.gov>

Cc: districtattorney@clackamas.us; bcc@clackamas.us; REID Kelly * DLCD <kelly.reid@dlcd.oregon.gov>; INFO DLCD * DLCD <dlcd.info@dlcd.oregon.gov>; zoninginfo@clackamas.us

Subject: County Code Enforcement Violation V 0037423

You don't often get email from nexus41602023@gmail.com. [Learn why this is important](#)

We have been having trouble getting any questions answered by Jennifer Kauppi, Clackamas County Code Enforcement Specialist. At this point, we have requested that Jennifer Kauppi, sign and date all of her correspondences with us. She has chosen not to acknowledge our request and continues to send items to us that are unsigned.

Further, we requested in writing, sent via USPS, that, given that she claims that there is "no approved primary use", to answer the question as to whether or not any evidence exists that supports her conclusion that there "is no approved primary use". She chose to be unresponsive and did not answer our question. Instead she sent another unsigned letter detailing a process by which I could order a copy of the violation file for \$115.70. That is not what was requested.

Given that the original Notice of Violation was improperly formatted and not signed, I returned and invalidated it, without dishonor. In response to that, she issued a new "Updated Notice of Violation". It also is not signed.

Here is the copy of the "Updated Notice of Violation" that was sent on Dec. 21, 2023

This letter states that we do not have a Primary Permitted use and that we are discharging wastewater to the ground surface.

For your information:

1. It is not true that we are discharging wastewater to the ground surface or unapproved system and Building Code, Title 9.02.040(C).
2. It is not true that we are "without a primary use", or that "the subject property does not have a legally established primary use."
3. There were some items that were existing upon the land that are solid wastes, like tires, and old televisions that were on the property scattered throughout the acreage that we have been collecting and staging so that we can efficiently haul and dispose of them. Those items will be handled before the deadline of January 6, 2024. Also, a 1974 pickup truck and a 1960's era trailer, which has been converted to a log skidding rig is on the site but since they are implements of farm/forestry operations are exempt according to Clackamas County Solid Waste and Wastes Management Code, Title 10, Chapters 10.03.010 (A) (33) which states "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."

We have contacted Mike Thompson, State Forester based out of Mollala Oregon for our area and he confirms that our property is and was enrolled into tax deferred status of TBR and that our stocking reports are current and that we are indeed engaged in "Forest Operations". Furthermore, Martha, who works for the planning department in clackamas county, confirms that according to her information, the property is indeed zoned TBR(Timber, Big-Game, Recreation).

If, that is true, then we have a "Primary permitted use", which is authorized by state law ORS 215.203(1) and 215.283 (1), as well as ORS 527 and that these uses are allowed as a RIGHT by that legislation unsubject to review or approval by counties or cities. [Brentmar v. Jackson Co.](#) This case carefully studies what the legislature intended when that law was penned. Further, OAR 660-006-0025 (2) "The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones" [OAR 660-06-0025](#)

Everything that is alleged in the NOTICE OF VIOLATION, **IS ALLOWED** by OAR 660-06-0025 (2) (a) (b) (c) and (d)

FACTS:

1. it is a fact that ORS 215.203, ORS 215.283 and ORS 527 were lawful acts of the legislature.
2. It is a fact that ORS 527 established "primary permitted uses" for landowners of TBR zoned properties and ORS 215.203(1) and ORS 215.283(1) established "uses permitted as a right" for Farm and Forest Lands.
3. it is a fact that the Department of Land Conservation and Development recognized these facts when it wrote the OAR's that were authorized by the legislature, specifically OAR 660-006-0025 (2) (a), (b), (c), and (d).

Indeed, as outline above "Forest Operations ARE a primary permitted use." Specifically, they are permitted under ORS 527, and OAR's that were authorized by that section of ORS; specifically, but not limited to 660-06-0025 (2) which I believe can be found here.

https://oregon.public.law/rules/oar_660-006-0025

[OAR 660-006-0025 Uses Authorized in Forest Zones](#)

That section on OAR's list uses that "SHALL" be permitted. other sections (1), and (3) for example use terminology of "may". This distinction separates the uses in section (2) as allowed by statute, without further limitations, not subject to review, specifically by counties and cities who would seek to regulate such practices under codes or ordinances that are limited by ORS 30.935, [Prohibition on local laws that make farm practice a nuisance or trespass](#) subject to abatement.

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Finally, we have been attempting to contact the planning department of Clackamas County. We have called and left messages all this week, but given that it is a holiday week, they are apparently not staffed as they normally would be. This situation may make it necessary for us to continue our discussions past the deadline set by Jleniffer Kauppi. We have requested more time to clear up the misunderstanding with regard to the "permitted primary uses" issues.

As stated before, as a show of good faith, and given that we, in no way, wish to store solid wastes of any kind, for any period of time longer that necessary,we will be handling the solid wastes issues by her deadline.

I hope all this helps you to understand the errors of the county's position and also to understand the facts as

they exist. We seek to clear up this misunderstanding quickly.

Thank you

John Rodrigues
503-539-2813

Kauppi, Jennifer

From: Fields, Joy
Sent: Friday, February 16, 2024 10:42 AM
To: Kauppi, Jennifer
Subject: FW: Temporary Forest Labor Camp
Attachments: Z0033-24 Incomplete Application Notice.pdf

FYI – This incomplete application notice was emailed out today.

Joy Fields, Principal Planner

503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off

From: Fields, Joy
Sent: Friday, February 16, 2024 10:32 AM
To: 'Sui Juris' <nexus41602023@gmail.com>
Subject: RE: Temporary Forest Labor Camp

John,

We have received your application for a Temporary Forest Labor Camp that is being reviewed in compliance with OAR 660-006-0025 (3) that identifies the uses that “may be allowed”.

In the application you provided us with information on who the owner is, but not how you are an authorized representative of the owner. That is required to determine if the requirements of 1307.07 have been met. Also, we need information who is living in the camp, how long the forest labor is needed, and additional information on commercial profit or use occurring on the property.

I look forward to receiving the additional information and continuing to process your application.

Sincerely,

Joy Fields, Principal Planner, AICP

Clackamas County Transportation & Development

Planning and Zoning Division

150 Beavercreek Road

Oregon City, Oregon 97045

503.742.4510

My office hours are M-F 7:30 am to 5:00 pm with every other Friday off

www.clackamas.us

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The Planning and Zoning public service telephone line (503-742-4500), email account (zoninginfo@clackamas.us), and front lobby are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Sui Juris <nexus41602023@gmail.com>

Sent: Monday, January 22, 2024 12:21 PM

To: Fields, Joy <JFields@clackamas.us>

Subject: Temporary Forest Labor Camp

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

Joy,

Ben Blessing gives glowing reports that you are who I need to talk to. I have been told that I need a permit for a Temporary forest labor camp to support my forest operations that are ongoing.

To that end, I have questions:

I need whatever application would be required to utilize the type of use that is granted , as a right by OAR 660-006-0025 (3) (lowercase "L").

As stated above, this is a use "to be enjoyed, as a right", which is why I don't have a permit now. If I am in error here, please advise what section of OAR or ORS deliniates this use as "subject to county review", and reference the prescribed forms.

I understand that generally, there is a reference to the Clackamas County Code table 406-1. When looking at that I do see that your county has it listed as "Type II" but that it is NOT subject to any additional regulations. Is this correct?

Thank you,

John



UPDATED NOTICE OF VIOLATION

February 21, 2024

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Zoning and Development Code
Ordinance Title 12, Section 406.04

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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

- Occupied recreational vehicles without land use approval

VIOLATIONS & HOW TO RESOLVE

On November 9, 2023 Clackamas County received a complaint regarding multiple occupied recreational vehicles and solid waste on the subject property. I conducted a site inspection on December 4, 2023 and confirmed the violations existed on the subject property. I observed 5-6 occupied recreational vehicles, miscellaneous debris and multiple vehicles on site. Research of the property indicates that there is no approved primary use on the subject property.

On February 6, 2024 Mr. Rodriguez submitted an application for a temporary forest labor camp. On February 7, 2024 I was contacted by Mr. Rodriguez regarding the submitted application and I informed Mr. Rodriguez that the application was required to be a complete application and the application fees be submitted. At the time of that email the application had not been reviewed, therefore, I put a hold on further enforcement until the planning department could review the application.

On February 16, 2024 Joy Fields from the planning department deemed the application incomplete. The letter that was mailed from the planning department stated that you have 180 days of the date of application was first submitted before the application is deemed incomplete.

Please be advised, per Clackamas County Code, Section 9.02.270 (F)

Timelines for Permits Issued to Resolve Violations – In those instances where a permit is issued to resolve a violation, the building official may specify the length of time an issued permit may remain valid and they may establish specific timelines for compliance.

In order to abate the violation, please complete the follow no later than March 17, 2024.

Occupied Recreational Vehicles

The occupied recreational vehicles without a primary use constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 406.04

- Submit all information required by the planning department to have a complete land use application for the temporary forest labor camp.
 - Respond to all additional requests for land use review within 10 days of being notified.
 - If land use is approved, all conditions of approval must be completed within 30 days of the land use approval.

OR

- You may abate the violation by removing all recreational vehicles from the subject property to an authorized location.

****Please Note – You will still be required to obtain any plumbing permits for water hook ups/hydrants or electrical service installed without permits.**

CONTACT INFORMATION

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

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.



Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
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. 2300374

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: March 18, 2024

Name and Address of Person(s) Cited:

Name: Julia S Duncan Trustee
Mailing Address: 39780 McCormick Dr.
City, State, Zip: Sandy, OR 97055

Date Violation(s) Confirmed: On the 18 day of March, 2024, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 406.04

Description of the violation(s):

- 1) Occupied recreational vehicles without an approved primary use or 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 monthly administrative fee is being assessed.

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

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

Date: March 18, 2024
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 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us

A request for hearing must contain all of the following information:

- a. Your name and address
- b. A copy of the citation or the Citation No. and Case No.; and
- c. The description of the relief you are requesting

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____



CLACKAMAS
COUNTY

DEVELOPMENT SERVICES BUILDING
CODE ENFORCEMENT

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

FIRST-CLASS



US POSTAGESM PITNEY BOWES



ZIP 97045 \$ 000.64⁰
02 7W
0008029510 MAR 18 2024

Julia S. Duncan Trustee
39780 McCorm
Sandy, OR 9

97055-07003 > 1002

971 NFE 1 C23C0003/23/24
DUNCAN RETURN TO SENDER

MOVED LEFT NO ADDRESS

UNABLE TO FORWARD

RETURN TO SENDER

BC: 97045430250

*0229-01200-19-02

EXHIBIT L - PAGE 8 OF 4



Citation No. 2300374

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: March 18, 2024

Name and Address of Person(s) Cited:

Name: Julia S Duncan Trustee
Mailing Address: 39780 McCormick Dr.
City, State, Zip: Sandy, OR 97055

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☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 406.04

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Fine \$400.00

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

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

Date: March 18, 2024
Department Initiating Enforcement Action: Code Enforcement



Citation No. 2300374

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: March 18, 2024

Name and Address of Person(s) Cited:

Name: Julia S Duncan Trustee
Mailing Address: 39780 McCormick Dr.
City, State, Zip: Sandy, OR 97055

4-11-2024 : Citation 2300374 is voided. Application Z0033-24 was deemed a complete application submittal based on information that was sent on March 18, 2024: The date of the citation.

Date Violation(s) Confirmed: On the 18 day of March, 2024, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 406.04

Description of the violation(s):

- 1) Occupied recreational vehicles without an approved primary use or 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 monthly administrative fee is being assessed.

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

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

Date: March 18, 2024
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 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us

A request for hearing must contain all of the following information:

- a. Your name and address
- b. A copy of the citation or the Citation No. and Case No.; and
- c. The description of the relief you are requesting

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Ferber, Christiane

From: Kauppi, Jennifer
Sent: Thursday, April 11, 2024 3:19 PM
To: 'Sui Juris'
Subject: RE: Letter sent via certified mail
Attachments: 24-04-11 VOIDED CITATION 24-03-18 Citation 2300374.pdf

Hello,

Please see the attached.

Jennifer

From: Sui Juris <nexus41602023@gmail.com>
Sent: Monday, April 1, 2024 8:56 AM
To: Fields, Joy <JFields@clackamas.us>; Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Letter sent via certified mail

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

Please find an email copy of the letter I sent March 29th, 2024.

John

**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

Regarding an appeal of a planning director decision)	<u>FINAL ORDER</u>
denying an application to operate a forest labor camp on)	
a TBR zoned parcel north of Hwy 26, east of SE McCabe)	Casefile Z0033-24
Road, in unincorporated Clackamas County, Oregon)	(Forest Labor Camp)

A. SUBJECT

1. On February 6, 2024, John Rodrigues (the “applicant”), filed an application for approval to operate a Temporary Forest Labor Camp, including the establishment of dwellings for six volunteer laborers, on an 11.6 acre parcel located north of Highway 26, roughly 500 feet east of SE McCabe Road, known as Tax Lots 600 and 700, Section 27B, Township 2 South, Range 5 East of the Willamette Meridian (the “site”). The site and most abutting properties to the north, east, and west are zoned TBR (Timber). The property abutting the southwest corner of the site is zoned EFU (Exclusive Farm Use). Properties to the south, across Highway 26, are zoned FF-10 (Farm Forest, ten-acre minimum lot size). The applicant proposed that the forest labor camp volunteers would remove debris and slash from previous timber operation, selectively harvest tree species to preserve mature trees while fostering biodiversity, manage invasive species, harvest forest products such as mushrooms, and replant the site. The applicant further proposed that the volunteers would “engage in education and outreach initiatives to instill a culture of environmental stewardship within the local community, while also conducting scientific research projects to deepen our understanding of forest dynamics.” (Exhibit 2f at 4). The volunteers would reside on the site in order to perform these activities over time.

2. On May 1, 2024, the planning director (the “director”) issued a written decision denying the application. (Exhibit 1). The applicant filed a written appeal of the director’s decision on May 13, 2024. (Exhibit 5).

3. Clackamas County Land Use Hearings Officer Joe Turner held a duly noticed public hearing on July 25, 2024, to receive public testimony and evidence regarding the appeal. County staff recommended that the hearings officer deny the appeal and affirm the director’s decision denying the application. The applicant testified orally in support of the project and the appeal. No one else testified orally or in writing. Principal contested issues in the case include the following:

- a. Whether the County has the authority to require a Type II application for approval of a temporary forest labor camp;
- b. Whether the owner of the property authorized the applicant to act as their agent and submit the application on their behalf, as required by Section 1307.07(A)(3) of the Clackamas County Zoning and Development Ordinance (ZDO);

c. Whether the application included the property owner's name and contact information as required by ZDO 1307.07(C)(1)(i); and

d. Whether the proposed use constitutes a "temporary forest labor camp" allowed by ZDO 406.04.

4. The hearings officer concludes the applicant failed to sustain the burden of proof that the proposed use does or can comply with the applicable application and approval criteria of the ZDO. Therefore the hearings officer denies the appeal, upholds the planning director's decision, and denies the application, based on the findings and conclusions adopted or incorporated herein.

B. HEARING AND RECORD

1. The hearings officer received testimony at the public hearing about the appeal on July 25, 2024. All exhibits and records of testimony have been filed with the Planning Division, Clackamas County Department of Transportation and Development. At the beginning of the hearing, the hearings officer made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the hearings officer of selected testimony offered at the public hearing.

2. County planner Joy Fields summarized the director's decision and her PowerPoint presentation, Exhibit 9.

a. She noted that the site is zoned TBR and is largely forested. Based on Oregon Department of Forestry (ODF) records, the last commercial timber harvest on the site occurred sometime prior to 1995; the ODF has no records for the site, but it does not keep harvest records prior to 1995. The site was not replanted after the last harvest, but it has regenerated naturally, filling in with red alder trees, which is a commercial tree species. Therefore, the site meets the stocking requirement to qualify as forest land.

b. The applicant proposed to establish a Temporary Forest Labor Camp to house volunteers who would conduct forest practice activities on the site. The proposed activities include removing debris and slash from previous timber operation, selectively harvesting tree species to preserve mature trees, managing invasive species, harvesting forest products such as mushrooms, and replanting the site.

i. The applicant also proposed that the volunteers would conduct scientific research on the site. However, research for forest management and experimentation is only allowed as a conditional use in the TBR zone. The applicant did not request approval of a conditional use permit (CUP). Therefore, that part of the use was not considered in the director's decision.

c. The planning director denied the application, finding that the applicant failed to prove that the proposed use complies with ZDO 406.04 and 1307.07(A) and (C).

d. ZDO 406.04 allows temporary forest labor camps for a period not to exceed one year. ZDO 406.03 defines "Forest Operation" as "Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6)." ORS 527.620(6) provides:

"Forest practice" means any operation conducted on or pertaining to forestland, including but not limited to:

- (a) Reforestation of forestland;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals;
- (e) Disposal of slash; and
- (f) Removal of woody biomass.;

i. A temporary forest labor camp must be associated with a current forest operation or forest practice activity. Absent current forest operations or practices there is no need for a labor camp as trees will continue to grow without maintenance or supervision.

ii. There is no evidence of any current commercial forest operations or practices occurring on the site that would warrant establishment of a forest labor camp. Thinning, removing slash, maintaining roads, and similar activities can occur without housing unless such activities are being undertaken on an intensive basis. But such intensive activities will only occur for limited periods of time. Therefore, the County requires that applicants for a forest labor camp provide a detailed plan and schedule outlining the specific forest operations that residents of the forest labor camp will perform. The applicant did not provide any specific plans or timelines for the volunteers' activities. Therefore, the director concluded that the applicant failed to demonstrate that the residential use on the site would qualify as a forest labor camp, as there is no evidence that the residents of the proposed camp would be engaged in intensive forest operations or practices that would justify a forest labor camp.

e. ZDO 1307.07(A) requires that applications be initiated by the owner of the subject property, a contract purchaser, or an agent of the owner or purchaser. Applications initiated by an agent must be "[d]uly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority."

i. County records indicate that Julia S. Rodrigues is the trustee of a property trust referred to as "The Property Trust" that is the current owner of the property, based on a 2001 deed signed by Ms. Rodrigues conveying the property to "The Property Trust". (Exhibit 2a and Exhibit 9 at 9). The initial application (Exhibit 2) did not include any evidence that Ms. Rodrigues or another trustee authorized the applicant to submit the

current application. The applicant subsequently submitted a “Certification of Limited Agent of Trust” (the Certification) authorizing “Stephen Jones & John Rodrigues” to act as “[l]imited contact agents for this matter...” The Certification was “signed” with an X. (Exhibit 2b). However, the “signature” (an X) on the Certification did not match the signature on the deed and the Certification did not include the name or contact information for the person who signed the Certification nor any evidence that the signatory is a trustee of the “The Property Trust” that owns the site. Therefore, staff could not verify that the property owner authorized the applicant to submit the application.

3. The applicant, John Rodrigues, appeared on his own behalf.

a. He argued that the proposed Temporary Forest Labor Camp is listed as a permitted use in Oregon Administrative Rule (OAR) 660-006-0025(3)(l). Therefore, the use is not subject to County approval, citing *Brentmar v. Jackson County*, 321 Or. 481, 900 P.2d 1030 (1995), and he was not required to submit this application.

i. The proposed forest labor camp is similar to a farm labor camp, which the County is prohibited from regulating under the court’s holding in *Brentmar*. ORS 215.283(1)(b) authorizes “The propagation or harvesting of a forest product.” It is within his sole discretion to determine what is necessary to propagate and harvest a forest product.

ii. He is engaging in forest practices or operations and he needs temporary structures that are auxiliary to his forest practices or operations. These activities are listed as permitted uses in ZDO Table 406-1 and no application or County approval is required for these uses.

iii. He is conducting forest practices on the site. The fact that the state forester was unable to find documentation that these practices occurred does not make it a fact that the forest practices did not occur.

(A) He obtained a permit from the ODF to burn slash on the site in March 2024. (Exhibit 6 at 2). However, the people working on the site chose not to burn the slash piles. They distributed and burned the slash in smaller piles that are exempt from the ODF’s permit requirements. The smaller distributed piles allowed the resulting ash to be spread throughout the site, which benefited the vegetation and reduced the risk of wildfire on the site.

(B) He harvested three acres of the site and obtained a permit to burn the resulting slash in 2009. (Exhibit 6 at 33). The recreational vehicles on the site are parked on the edge of the harvested area and future forest operations will proceed into the site from that area.

b. He argued that the County Code Enforcement division required him to submit this application in order to avoid fines as the volunteers are currently residing on

the site. However, the County had no authority to pursue an enforcement action against him, because he is operating a permitted forest labor camp.

c. He is a certified agent of the “The Property Trust”. Julia Rodrigues (aka Julia Duncan) passed away and is no longer the trustee. A successor trustee for “The Property Trust” signed the “Certification of Limited Agent of Trust.” (Exhibit 2b at 1). He took the trustee to a notary in Arizona and they identified themselves as the trustee of the owner of the subject property and signed the “Certification of Limited Agent of Trust” form with an X. The trustee is unwilling to identify themselves or provide their contact information as they are concerned that they will be harassed. The trustee identified themselves to the notary and the notary documented that information in their notary log.

d. He is not continuously conducting commercial forest operations on the site. Most of the time the trees on the site are growing and no forest maintenance activity is required. OAR allows for forest operations *or* forest practices. ZD0 406.04

e. He objected to the County’s system requiring that he submit documents to County staff, rather than directly to the hearings officer.

f. He requested the hearings officer hold the record open until October 15, 2024, to allow him the opportunity to provide additional evidence of his authority to act as the agent of the property owner, “The Property Trust”. He agreed to extend the 150 day clock until December 11, 2024, to accommodate the open record period.

4. At the conclusion of the hearing the hearings officer held the record open until October 15, 2024, to allow all parties the opportunity to submit additional testimony and evidence; for a second period, until October 29, 2024, to allow all parties the opportunity to respond to the new evidence; and for a third period, until November 5, 2024, to allow the applicant to submit a final argument. By email dated July 26, 2024, the applicant agreed to extend the 150-day clock until December 11, 2024. (Exhibit 10).

5. By email dated October 10, 2024, the applicant requested a further extension of the open record period. (Exhibit 11). He also submitted a copy of the Revocable Living Trust Agreement for “The Property Trust” dated October 2, 2001, and a copy of the deed conveying the site to the trust. (*Id*).

6. By email order dated October 20, 2024, the hearings officer agreed to extend the open record period as requested by the applicant provided:

a. The County did not object to the requested extension;

b. The applicant requested a specific open record period and agreed, in writing, to further extend the 150 day clock for that purpose, and that the applicant submit a proposed open record period and 150 day extension by 4:00 pm on Wednesday, October 23, 2024;

c. The hearings officer's emailed open record order further stated that "If Mr. Rodrigues' does not submit such a request and/or extension of the 150 day clock, then the open record schedule set out at the end of the hearing on July 25, 2024, will remain in effect."

(Exhibit 12 at 3).

7. The County did not object to the requested extension. (Exhibit 11 at 2).

8. The County forwarded the hearings officer's emailed open record order to the applicant at 8:28 a.m. on October 22, 2024. (Exhibit 11 at 1).

9. The applicant did not request a specific open record period or agree to extend the 150 day clock by the deadline set out in the hearings officer's emailed open record order: 4:00 pm on Wednesday, October 23, 2024. (Exhibit 13). Therefore, the hearings officer issued an Open Record Order dated October 24, 2024, reinstating the open record schedule set out at the conclusion of the hearing on July 25, 2024. (Exhibit 14).

a. The applicant submitted an email dated October 31, 2024, proposing to extend the initial open record period until November 15, 2024, without agreeing to extend the 150-day clock. That email was received after the close of the open record period and was not a final argument as defined by ORS. Therefore, the applicant's email dated October 31, 2024, is not part of the record in this case.

10. Nothing else was submitted during the open record period

C. DISCUSSION

1. ZDO 1305.02(D)(2) authorizes the hearings officer to hear appeals of planning director decisions. Pursuant to ORS 215.416(11)(a), appeals of administrative decisions must be reviewed as a *de novo* matter. The hearings officer is required to conduct an independent review of the record. He is not bound by the prior decision of the planning director and does not defer to that decision in any way. New evidence may be introduced in an appeal, and new issues may be raised. The applicant must carry the burden of proof that the application complies with all applicable approval criteria in light of all relevant substantial evidence in the whole record, including any new evidence.

2. Contrary to the applicant's assertion, the Court's holding in *Brentmar* does not preclude the County from requiring a Type II application for approval of a temporary forest labor camp.

a. The Court in *Brentmar* held that ORS 215.213 and 215.283 create two categories of farm use. Uses listed in ORS 215.213(1) and 215.283(1) are "uses as of right," that the County must allow outright. However, uses listed in ORS 215.213(2) and

215.283(2) are “conditional uses,” that are “subject to approval of the governing body of the county.” *Brentmar* at 321 Or. 496. The *Brentmar* decision was based on the Court’s analysis of the legislative history surrounding the adoption of these statutes relating to farm uses. This case involves analysis of administrative rules governing forest uses, not the statutes at issue in *Brentmar*.

b. OAR 660-006-0025 also creates two categories of use, those that “[s]hall be allowed in forest zones” listed in OAR 660-006-0025(2) and those that “[m]ay be allowed outright on forest lands” listed in OAR 660-006-0025(3). No legislative history associated with the adoption of OAR 660-006-0025 was included in the record for this case. However, the plain meaning of the words of the regulations are clear. The language of OAR 660-006-0025(2) is mandatory, listing uses that “shall” be allowed. The language of OAR 660-006-0025(3) is permissive, listing uses that “may” be allowed. A temporary forest labor camp is a “may be allowed” use listed in OAR 660-006-0025(3). Therefore, the County may, but is not required to, allow this use in forest zones and may impose additional requirements on such uses.

3. Even if the applicant is correct that the proposed forest labor camp is an outright permitted use which is not subject to County review, the applicant failed to demonstrate that the proposed use qualifies as a “forest labor camp” based on the discussion in Section C.6 of this Final Order.

4. The hearings officer finds that the submitted application (Exhibit 2) did not comply with ZDO 1307.07(A), which, in relevant part, require that applications be initiated by the owner of the subject property or the owner’s agent who is “duly authorized in writing by the owner ...and accompanied by proof of the agent’s authority.” (ZDO 1307.07(A)(3)).

a. There is no dispute that the applicant, John Rodrigues, is not the owner of the property that is the subject of the application. The property is owned by a trust, “The Property Trust” and Julia Rodrigues and another unidentified person are the trustees for the trust. (Exhibit 11 at 12). Ms. Rodrigues has passed away and an unidentified successor trustee is now the trustee. (Respondent testimony). The applicant purports to be acting as the agent of “The Property Trust”. Therefore, ZDO 1307.07(A)(3) requires a written statement by the property owner (the trustee for the trust) authorizing the applicant to act as the agent of the trust.

b. The applicant submitted a notarized document titled “Certification of Limited Agent of Trust” stating that [t]he Trustee of ‘The Property Trust’ ...have decided that our official limited contact agents for this matter will be Stephen Jones & John Rodrigues.” (Exhibit 2b at 1). The document refers to “[a] property on Southeast Highway 26, 25E 27B 00600.” The document is signed with an “X”.

c. The applicant testified that the person who appeared before the notary identified themselves to the notary. However, there is no evidence in the record that the

person who appeared before and identified themselves to the notary and signed the Certification is the trustee for the Property Trust that owns the site. The Certification does not identify the person who appeared before the notary nor does it include a statement that the person who signed the Certification is a duly appointed trustee of “The Property Trust” that owns the property. The signature line on the Certification is signed with an X and does not include the name of the person who signed or a statement that they are the trustee of The Property Trust. Therefore, the hearings officer finds that the “Certification of Limited Agent of Trust” is not sufficient to demonstrate that the owner of the property that is the subject of the application, the trustee of “The Property Trust”, authorized Mr. Rodrigues to submit this application on their behalf and the application does not comply with ZDO 1307.07(A)(3).

5. The hearings officer further finds that the submitted application (Exhibit 2) did not comply with ZDO 1307.07(C)(1)(i) which, requires that applications include “The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof”. (Underlines added). The application indicates that “The Property Trust” is the owner of the property and the property owner signed the application with an X, but the application does not include the property owner’s name and contact information. Therefore, the hearings officer finds that the application does not comply with ZDO 1307.07(C)(1)(i).

6. ZDO Table 406.04-1 provides that a “Temporary forest labor camp for a period not to exceed one year” may be approved in the TBR zones as a Type II use.

a. ZDO 406.03 provides the following relevant definitions:

A. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

...

G. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in Oregon Revised Statutes 527.620(6).

...

L. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole

building, etc. Temporary structures are allowed for a period not to exceed one year.

...

b. ORS 527.620 provides the following relevant definitions:

...

- (7) "Forest tree species" means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.

...

- (13) "Operation" means any commercial activity relating to the establishment, management or harvest of forest tree species except as provided by the following:

- (a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on land used solely for the production of Christmas trees.
- (b) The establishment, management or harvest of hardwood timber, including but not limited to hybrid cottonwood, that is:
 - (A) Grown on land that has been prepared by intensive cultivation methods and that is cleared of competing vegetation for at least three years after tree planting;
 - (B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;
 - (C) Harvested on a rotation cycle that is 12 or fewer years after planting; and
 - (D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect control and disease control.
- (c) The establishment, management or harvest of trees actively farmed or cultured for the production of agricultural tree crops, including nuts, fruits, seeds and nursery stock.
- (d) The establishment, management or harvest of ornamental, street or park trees within an urbanized area, as that term is defined in ORS 221.010.
- (e) The management or harvest of juniper species conducted in a unit of less than 120 contiguous acres within a single ownership.

- (f) The establishment or management of trees intended to mitigate the effects of agricultural practices on the environment or fish and wildlife resources, such as trees that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands.
- (g) The development of an approved land use change after timber harvest activities have been completed and land use conversion activities have commenced.

c. OAR 660-006-0025(1) provides in relevant part:

In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

- (a) Uses related to and in support of forest operations;
- ...

d. The term “temporary forest labor camp” is not defined by the Code or state law. Therefore, the hearings officer must determine the meaning of the term based on the text and context of the provision.

i. The hearings officer finds that the term “temporary” means the use cannot continue for more than one year, as ZDO Table 406.04-1 expressly imposes a one year limit.

ii. The hearings officer finds that the term “forest labor” refers to persons who are participating (laboring) in a Forest Operation as defined by ZDO 406.03. This is consistent with OAR 660-006-0025(1)(a) which authorizes “Uses related to and in support of forest operations.” A forest labor camp must be in support of ongoing forest operations.

iii. The hearings officer relies on the dictionary to determine the plain and ordinary meaning of the term “camp” as authorized by the court holding in *Sarti v. City of Lake Oswego*, 106 Or. App. 594, 597, 809 P.2d 701 (1991). Webster’s dictionary defines “camp” as:

1a : a place usually away from urban areas where tents or simple buildings (such as cabins) are erected for shelter or for temporary residence (as for laborers, prisoners, or vacationers)

- migrant labor *camp*
- b :** a group of tents, cabins, or huts
fishing *camp*s along the river
- c :** a settlement newly sprung up in a lumbering or
mining region
- ...

(“Camp.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/camp>. Accessed 13 Nov. 2024).

iv. The hearings officer further finds that any forest operations used to justify a forest labor camp must be sufficiently intensive to require the laborers to reside full-time on the site. As staff noted, the natural growth of trees is a “forest operation” for which no human labor is required and would not justify a forest labor camp.

e. The applicant is proposing a temporary camp. The applicant proposed to allow six volunteers to camp in recreational vehicles placed on the site for a period of up to one year, although he notes that the use may continue for more than one year. (Exhibits 2, 2c, 2f at 5).

f. However, there is no evidence that the volunteer residents of the camp will be involved in “forest labor” as there is no evidence of any current intensive forestry operations occurring on this 11.6 acre site that would warrant full-time work on the site. The applicant proposed that the residents of the camp would “clear away the debris and slash, remnants of past disturbances, without the use of heavy machinery” as well as harvest mushrooms and truffles that grow on the site (Exhibit 2 at 3) and “[t]he encouragement of beneficial microbes and fungi to the forest biome as well as other forest, wildlife habitat and water conservation efforts.” (Exhibit 2c at 1). The applicant further states that:

Volunteers [who are] are engaged in forest practices on the designated property are entrusted with a range of responsibilities aimed at maintaining the ecological integrity and sustainable management of the forest. These activities encompass selective tree removal to preserve mature trees while fostering biodiversity, thinning practices to alleviate overcrowding and encourage healthier tree growth, and the enhancement of wildlife habitat through the creation of snags and brush piles. Invasive species management is paramount, as volunteers diligently work to eradicate invasive plants, safeguarding the delicate balance of the ecosystem. Simultaneously, they meticulously maintain existing trails and construct new ones, ensuring appropriate recreational access while minimizing

environmental impact. Prescribed burns are judiciously employed to manage undergrowth and mitigate fire risk, complemented by water conservation measures that protect water quality and prevent erosion. Forest regeneration efforts involve the strategic planting of native species and the facilitation of natural seed dispersal, fostering a resilient and diverse forest ecosystem. Volunteers actively engage in education and outreach initiatives to instill a culture of environmental stewardship within the local community, while also conducting scientific research projects to deepen our understanding of forest dynamics. Additionally, volunteers participate in the sustainable harvesting and promotion of alternative forest products such as mushrooms, truffles, and bear grass, bolstering both economic opportunities and conservation efforts. Through these collective endeavors, volunteers uphold the ethos of responsible forest management and conservation, ensuring the long-term health and vitality of the forest ecosystem.

(Exhibit 2f at 4).

i. Clearing of debris and slash, selective tree removal/thinning, planting of native species, invasive species management, and prescribed burning are forest operations. However, there is no evidence that the labor of six persons residing full-time on the site for one year or more is needed to conduct these activity on this relatively small (11.6 acre) timber parcel.

(A) According to the ODF, the site was last harvested prior to 1995, 20 or more years ago. There is no evidence that significant amounts of slash from that logging activity remain on the site and need to be removed. The applicant testified that he harvested three acres of the site and burned the resulting slash in 2009. There is no evidence of any further forest operations that would generate significant amounts of slash that would require six workers living on the site to remove it.

(B) There is no evidence that the applicant has performed any prescribed burns on the site.

(C) There is no evidence that tree thinning, managing invasive species, and other proposed forest operations on this 11.6 acre site require the work of six persons residing full-time on the site. The applicant states that “[t]he laborers have laid out a strategy to ensure that their actions align with the laws mandate.” (Exhibit 2 at 3). However, he did not provide such a strategy.

ii. Harvesting mushrooms, truffles, and beargrass, creation of wildlife habitat, creation and maintenance of trails for recreational access, education and

outreach initiatives, scientific research projects, and water conservation efforts do not constitute “forest operations” as these activities do not “[r]elat[e] to the growing or harvesting of any forest tree species.” Scientific research projects are only allowed as a conditional use in the TBR zone. (ZDO Table 406-1).

iii. Given the lack of evidence demonstrating that the labor of six persons residing on the site full-time for up to one year is needed to conduct “forest operations” on the site, the hearings officer cannot find that the proposed use constitutes a “temporary forest labor camp” allowed by ZDO 406.04.

7. Applicants are required to submit all exhibits to the County. They may not submit anything directly to the hearings officer. This requirement ensures that the County receives copies of all submittals and has the opportunity to mark them as exhibits. It also avoids the potential for prohibited *ex parte* contact. All documents submitted by any party are part of the record and any party has the right to review the record to confirm that everything they submitted is actually included in the record.

D. CONCLUSION

1. Based on the above findings and discussion, the hearings officer concludes that:

a. The County has the authority to require a Type II application for approval of a temporary forest labor camp;

b. The applicant is not the owner of the site and there is no evidence that the property owner authorized the applicant to act as their agent and submit the application on their behalf as required by ZDO 1307.07(A)(3);

c. The application did not include the property owner’s name and contact information as required by ZDO 1307.07(C)(1)(i); and

d. The applicant failed to demonstrate that the proposed use constitutes a “temporary forest labor camp” allowed by ZDO 406.04.

2. Therefore, the hearings officer denies the appeal, affirms the director’s decision, and denies Z0033-24 (Rodrigues Forest Labor Camp).

E. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby denies Z0033-24 (Rodrigues Forest Labor Camp).

DATED this 21st day of November 2024.

A handwritten signature in black ink, appearing to read 'Joe Turner', with a long horizontal flourish extending to the right.

Joe Turner, AICP
Clackamas County Hearings Officer



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

UPDATED NOTICE OF VIOLATION

November 27, 2024

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Code Ordinance Title 12, Section 406.04 and Building Code, Chapter 9.02.040 (C)(D)

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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

- Solid waste being stored on the property including but not limited to putrescible waste, miscellaneous debris and vehicles
- Occupied recreational vehicles without land use approval
- Water Hydrants installed without approved permits or approved final inspections

VIOLATIONS & HOW TO RESOLVE

On November 21st, 2024 land use application Z0033-24 for a Forest Labor Camp was denied by the Hearings Officer. Without land use approval, the occupied recreational vehicles and all solid waste including but not limited to putrescible waste, miscellaneous debris and vehicles on the subject property must be removed to an authorized location no later than **January 10th, 2025**.

Water Hydrants

The water hydrants onsite were installed without approved permits. **No later than January 10th, 2025** please submit or have your professional submit a complete plumbing permit application for the water hydrants.

- All requests for additional information in order to complete the permit application must be responded to within 10 days of being notified.
- The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
- Please schedule all inspections so that final inspections may be obtained not later than 30 days of the date of receipt of your approved permit(s).

Electrical for RV Connections

If you have installed RV electrical pedestals, you will be required to have an electrical permit issued to decommission the pedestals. A licensed electrical contractor with the State of Oregon is required to submit for that permit.

- All requests for additional information in order to complete the permit application must be responded to within 10 days of being notified.
- The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
- Please schedule all inspections so that final inspections may be obtained not later than 30 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

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

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.



Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

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

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

10.03.030 Definitions

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

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

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

10.03.060 Solid Waste or Wastes Accumulation Prohibited

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

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

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

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

(3) Constructing a tire fence for any purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

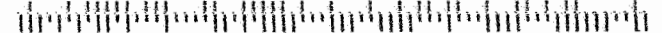
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39780 McCormick Dr
Sandy, OR 97055

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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

UPDATED NOTICE OF VIOLATION

November 27, 2024

Julia S Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

The Property Trust – Julia Duncan Trustee
PO Box 214
Joseph City, AZ 86032

SUBJECT: Violation of the Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Code Ordinance Title 12, Section 406.04 and Building Code, Chapter 9.02.040 (C)(D)

FILE: V0037423

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T2S, R5E, Section 27B, Tax Lot 00600

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

- Solid waste being stored on the property including but not limited to putrescible waste, miscellaneous debris and vehicles
- Occupied recreational vehicles without land use approval
- Water Hydrants installed without approved permits or approved final inspections

VIOLATIONS & HOW TO RESOLVE

On November 21st, 2024 land use application Z0033-24 for a Forest Labor Camp was denied by the Hearings Officer. Without land use approval, the occupied recreational vehicles and all solid waste including but not limited to putrescible waste, miscellaneous debris and vehicles on the subject property must be removed to an authorized location no later than **January 10th, 2025**.













Citation No. 2300374

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: January 15, 2025

VOIDED

Name and Address of Person(s) Cited:

Name: Julia S. Duncan Trustee
Mailing Address: 39780 McCormick Dr
City, State, Zip: Sandy, OR 97055

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

- 1) Occupied recreational vehicles without land use approval.
Maximum Civil Penalty \$2,500.00 Fine \$400.00
- 2) Water hydrants installed without approved permits and approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
- 3) Accumulation of miscellaneous debris
Maximum Civil Penalty \$1,000.00 Fine: \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: January 15, 2025
Department Initiating Enforcement Action: Code Enforcement



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

Julia S. Duncan Trustee
39780 McCormick Dr.
Sandy, OR 97055

FIRST-CLASS



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EXHIBIT Q _ PAGE 3 OF 4



Citation No. 2300374

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: January 15, 2025

Name and Address of Person(s) Cited:

Name: Julia S. Duncan Trustee
Mailing Address: 39780 McCormick Dr
City, State, Zip: Sandy, OR 97055

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

- 1) Occupied recreational vehicles without land use approval.
Maximum Civil Penalty \$2,500.00 Fine \$400.00
- 2) Water hydrants installed without approved permits and approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
- 3) Accumulation of miscellaneous debris
Maximum Civil Penalty \$1,000.00 Fine: \$200.00

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

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

Date: January 15, 2025
Department Initiating Enforcement Action: Code Enforcement



Citation No. 2300374-1

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: March 20, 2025

Name and Address of Person(s) Cited:

Name:	Julia S. Duncan Trustee	The Property Trust – Julia Duncan Trustee
Mailing Address:	39780 McCormick Dr	PO Box 214
City, State, Zip:	Sandy, OR 97055	Joseph City, AZ 86032

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

- 1) Occupied recreational vehicles without land use approval.
Maximum Civil Penalty \$2,500.00 Fine \$400.00
- 2) Water hydrants installed without approved permits and approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
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I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by:	Jennifer Kauppi	Date: March 20, 2025
Telephone No.:	503-742-4759	Department Initiating Enforcement Action: Code Enforcement



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DTD - CODE ENFORCEMENT
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

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Julia S. Duncan Trustee
39780 McCormick Dr.
Sandy, OR 97055

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EXHIBIT R - PAGE 3 OF 4



Citation No. 2300374-1

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: March 20, 2025

Name and Address of Person(s) Cited:

Name:	Julia S. Duncan Trustee	The Property Trust – Julia Duncan Trustee
Mailing Address:	39780 McCormick Dr	PO Box 214
City, State, Zip:	Sandy, OR 97055	Joseph City, AZ 86032

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

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Maximum Civil Penalty \$2,500.00 Fine \$400.00
- 2) Water hydrants installed without approved permits and approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
- 3) Accumulation of miscellaneous debris
Maximum Civil Penalty \$1,000.00 Fine: \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by:	Jennifer Kauppi	Date: March 20, 2025
Telephone No.:	503-742-4759	Department Initiating Enforcement Action: Code Enforcement



Citation No. 2300374-1

Case No. V0037423

ADMINISTRATIVE CITATION AMENDED

Date Issued: April 9, 2025

Name and Address of Person(s) Cited:

Name: Julia S. Duncan Trustee
Mailing Address: 39780 McCormick Dr
City, State, Zip: Sandy, OR 97055

John Rodrigues
Agent of the Trustee of The Property Trust
PO Box 214
Joseph City, AZ 86032

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

- 1) Occupied recreational vehicles without land use approval.
Maximum Civil Penalty \$2,500.00 Fine \$400.00
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Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
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Maximum Civil Penalty \$1,000.00 Fine: \$200.00

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

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

Date: April 9, 2025
Department Initiating Enforcement Action: Code Enforcement

John Rodrigues
PO Box 214
Joseph City, AZ 86032
(503) 539 2813
nexus41602023@gmail.com

April 2, 2025

Clackamas County Code Enforcement Section
Officer Jennifer Kauppi
150 Beavercreek Rd.
Oregon City, OR 97045

****Subject: Response to Administrative Citation No. 2300374-1, Case No. V0037423, Dated March 20, 2025, Regarding T2S, R5E Section 27B, Tax Lot 00600 - URGENT RESPONSE REQUIRED - CRITICAL ERRORS AND HEARING REQUEST**

**** Dear Officer Jennifer Kauppi, This letter is written in response to the Administrative Citation dated March 20, 2025, issued concerning the real property located at T2S, R5E Section 27B, Tax Lot 00600, owned by "The Property Trust."**

I am writing to formally request a hearing to contest the alleged violations and to address several critical errors within the citation.

****Critical Errors:**

**** 1. **Incorrect Trustee:** The Administrative Citation is addressed to Julia S. Duncan, as Trustee of "The Property Trust." This is a fundamental error. Julia S. Duncan passed away in 2015 and is therefore incapable of serving as Trustee. This invalidates the citation as it is directed to a deceased individual.**

**** 2. **Authorized Agent:** "The Property Trust" has authorized John Rodrigues to act as its agent for all matters pertaining to this property. All future correspondence and communications should be directed to John Rodrigues.**

****Formal Hearing Request:** In accordance with Option 2 on the "PLEASE READ CAREFULLY!" form included with the citation, I am formally requesting a hearing to contest the alleged violations.**

****Required Information:****

a. Your Name and Address: John Rodrigues, PO Box 214, Joseph City, AZ 86032**

b. Copy of Citation/Citation No. and Case No.:** A copy of the Administrative Citation dated March 20, 2025, is attached. The Citation Number is 2300374-1, and the Case Number is V0037423.

c. Description of Relief Requested:** We request that the Administrative Citation be dismissed due to the fundamental errors outlined above, specifically the incorrect identification of the Trustee and the failure to recognize the Trust's authorized agent. We also contest the alleged violations as they are not applicable to the property.

****Acknowledgment of 15-Day Deadline and Potential Penalties:****

We acknowledge the "PLEASE READ CAREFULLY!" instructions, which state that "You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation." We also understand that failure to respond within this timeframe may result in the County requesting a hearing before the Code Enforcement Hearings Officer, potentially leading to an order to pay the maximum civil penalty and abate the alleged violation. To comply with this critical 15-day requirement and to avoid these potential penalties, we are submitting this formal hearing request. We are prepared to provide any necessary documentation to clarify the status of the Trust, the appointment of John Rodrigues as the agent, and the inapplicability of the cited laws. We respectfully request a prompt acknowledgment of this hearing request and confirmation of the hearing date and time. Please contact me at 503.539.2813 or nexus41602023@gmail.com to discuss this matter further.

Thank you for your immediate and urgent attention to this issue.

Sincerely, John Rodrigues (Authorized Agent of "The Property Trust")

A handwritten signature in black ink, appearing to read "John Rodrigues", with a long, sweeping horizontal line extending to the right.

****Attachments:****

- * Copy of Administrative Citation dated March 20, 2025.
- * Copy of Death Certificate of Julia S Duncan
- *Notarized copy of authorization of John Rodrigues, as Trustees agent for "The Property Trust"
- *Letter from Notary, Hannah Gonzales who notarized the above.



Citation No. 2300374-1

Case No. V0037423

ADMINISTRATIVE CITATION

Date Issued: March 20, 2025

Name and Address of Person(s) Cited:

Name:	Julia S. Duncan Trustee	The Property Trust – Julia Duncan Trustee
Mailing Address:	39780 McCormick Dr	PO Box 214
City, State, Zip:	Sandy, OR 97055	Joseph City, AZ 86032

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

- 1) Occupied recreational vehicles without land use approval.
Maximum Civil Penalty \$2,500.00 Fine \$400.00
- 2) Water hydrants installed without approved permits and approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
- 3) Accumulation of miscellaneous debris
Maximum Civil Penalty \$1,000.00 Fine: \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: March 20, 2025
Department Initiating Enforcement Action: Code Enforcement

STATE OF OREGON

CERTIFICATION OF VITAL RECORD

OREGON HEALTH AUTHORITY CENTER FOR HEALTH STATISTICS CERTIFICATE OF DEATH

725876

1.0 TAG NO

STATE FILE NUMBER

1. Legal Name First: <u>Julia</u> Middle: <u>S.</u> Last: <u>Duncan</u> Suffix:		2. Death Date <u>October 21, 2015</u>	
3. Sex <u>Female</u>	4. Age <u>87 years</u>	5. Social Security Number <u>514-28-4889</u>	6. County of Death <u>Clackamas</u>
7. Birth Date <u>April 25, 1928</u>	8. Birthplace <u>Axtell, Kansas</u>	9. Decedent's Education <u>Bachelor's degree</u>	
10. Was Decedent of Hispanic Origin? <u>No</u>		11. Decedent's Race(s) <u>White</u>	12. Was Decedent Ever in U.S. Armed Forces? <u>No</u>
13. Residence: Number and Street <u>39780 McCormick Drive</u>		14. City/Town <u>Sandy</u>	
15. Residence County <u>Clackamas</u>	16. State or Foreign Country <u>Oregon</u>	17. Zip Code + 4 <u>97055</u>	18. Inside City Limits? <u>Yes</u>
19. Marital Status at Time of Death <u>Married</u>		20. Spouse's Name Prior to First Marriage <u>Jim Duncan</u>	
21. Usual Occupation <u>Telecommunications Engineer</u>		22. Kind of Business/Industry <u>U.S. Government</u>	
23. Father's Name <u>August Clement Stueve</u>		24. Mother's Name Prior to First Marriage <u>Marie Helen Johnson</u>	
25. Informant's Name <u>Jim Duncan</u>	26. Telephone Number <u>Not Available</u>	27. Relationship to Decedent <u>Spouse</u>	28. Mailing Address <u>39780 McCormick Drive, Sandy, OR 97055</u>
29. Place of Death <u>Decedent's Residence</u>		30. Facility Name	
31. Location of Death <u>39780 McCormick Drive</u>		32. City/Town or Location of Death <u>Sandy</u>	33. State <u>Oregon</u>
35. Method of Disposition <u>Burial</u>		36. Place of Disposition <u>Willamette National Cemetery</u>	37. Location <u>Portland, Oregon</u>
38. Name and Complete Address of Funeral Facility <u>Sandy Funeral Home 39551 Pleasant St, Sandy, Oregon 97055</u>			
39. Date of Disposition <u>October 27, 2015</u>		40. Funeral Director's Signature <u>Paula J Niska</u>	41. OR License Number <u>FS-0247</u>
42. Registrar's Signature <u>[Signature]</u>		43. Date Received <u>NOV 10 2015</u>	44. Local File Number
45. Amendment			
46. Was case referred to Medical Examiner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		47. Autopsy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
48. Were autopsy findings available to complete the cause of death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		49. Time of Death <u>2:45 p.m.</u>	
CAUSE OF DEATH			
50. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT ENTER TERMINAL EVENTS such as cardiac arrest, respiratory arrest or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.		Approximate Interval: Onset to Death	
Final disease or condition resulting in death → a. <u>Presumed Breast Cancer metastatic to Bone and Liver</u>			
Due to (or as a consequence of) → b. <u>Myelodysplastic Syndrome</u>			
Due to (or as a consequence of) → c.			
Due to (or as a consequence of) → d.			
51. Other significant conditions contributing to death, but not resulting in the underlying cause given above:			
52. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Undetermined <input type="checkbox"/> Suicide <input type="checkbox"/> Pending		53. If Female <input checked="" type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Unknown if pregnant within the past year <input type="checkbox"/> Not pregnant, but pregnant within 42 days before death	
54. Did tobacco use contribute to death? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> No <input type="checkbox"/> Unknown			
55. Date of Injury (mm/dd/yyyy)	56. Time of Injury	57. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)	58. Injury at Work? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
59. Location of Injury (Number & Street or RFD No., City/Town, State, Zip + 4)			
60. Describe how injury occurred		61. If transportation injury, specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)	
62. Name and Address of Certifier (Number & Street or RFD No., City/Town, State, Zip + 4) <u>CORY OGDEN, MD 9800 SE Sunnyside Rd Clackamas Or 97015</u>			
63. Name and Title of Attending Physician if Other than Certifier			
64. Title of Certifier <u>MD</u>		65. License Number <u>MD 157367</u>	66. Date Signed (mm/dd/yyyy) <u>11/3/2015</u>
67. Medical Certifier - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated.		68. Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.	
69. Amendment			

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORD FACTS ON FILE IN THE VITAL RECORDS UNIT OF THE OREGON CENTER FOR HEALTH STATISTICS.

NOV 10 2015

DATE ISSUED

JENNIFER A. WOODWARD, Ph.D.
STATE REGISTRAR

THIS COPY IS NOT VALID WITHOUT OFFICIAL VITAL RECORD FLAG WATERMARK AND HOLOGRAPHIC SEALS

EXHIBIT S PAGE 5 OF 8

****Authorization of Agent for The Property Trust****

April 3, 2025

****To Whom It May Concern:****

This letter serves as formal authorization from the Trustee of "The Property Trust," dated October 2, 2001, to appoint John Rodrigues as the Trust's agent for all matters pertaining to Citation No. 2300374-1 and Case No. V0037423, and for any and all appeals and interactions that may be necessary in connection with these matters.

****Authorized Agent:**** * Name: John Rodrigues * Address: PO Box 214, Joseph City, AZ 86032 *
Phone Number: 503-539-2813 * Email Address: nexus41602023@gmail.com

John Rodrigues is hereby authorized to represent "The Property Trust" in all communications, negotiations, and legal proceedings related to the aforementioned Citation and Case numbers. This authorization includes, but is not limited to, the ability to file appeals, attend hearings, and execute documents on behalf of the Trust.

****Trustee Acknowledgment and Authorization:****

(Trustee's Signature)

(Trustee's Printed Name)

****John Rodrigues Acknowledgment and Acceptance:****

I, John Rodrigues, hereby acknowledge and accept the duties and responsibilities outlined in this authorization.

(John Rodrigues' Signature)

John Rodrigues

(John Rodrigues' Printed Name)



April 3, 2025

Clackamas County Code Enforcement Section
Officer Jennifer Kauppi
150 Beaver Creek Rd
Oregon City, OR 97045

Subject: Notary Acknowledgment and Verification Regarding The Property Trust and Authorized Agent

To Whom It May Concern,

This letter serves as a formal acknowledgment and verification of the appearances and affirmations made before me, Hannah Gonzales, a Notary Public in and for the State of Arizona.


On April 3, 2025, the Trustee of "The Property Trust" personally appeared before me, and presented the original trust document dated October 2, 2001. After reviewing the document and Death Certificate of Julia S Duncan, Grantor/Trustee, and verifying the co-Trustee's identification, I have confirmed that the individual presenting themselves was indeed the duly appointed Trustee of "The Property Trust." In accordance with my duties as a Notary Public, I have performed the following:

1. ****Verification of Identity:**** I verified the identity of the Trustee through satisfactory evidence, ensuring they were the person named in the trust document.
2. ****Acknowledgment of Signature:**** I acknowledged the signature of the Trustee, confirming their voluntary execution of any relevant documents.
3. ****Administration of Oaths/Affirmations:**** I administered an affirmation to the Trustee, who affirmed their position and authority.
4. ****Record Keeping:**** I have maintained a record of this notarial act in accordance with Arizona state law.

Furthermore, on the same date, John Rodrigues also appeared before me. The Trustee of "The Property Trust" provided written authorization, which was presented to me, confirming that John Rodrigues is authorized to act as the Trust's agent for all matters pertaining to Citation No. 2300374-1 and Case No. V0037423, including any and all appeals that may be necessary. I verified the Trustee's signature on the authorization document. This letter serves as confirmation of the Trustee's identity, their position, and the authorization granted to John Rodrigues.

Please do not hesitate to contact me if you require any further information.

Sincerely,


Hannah Gonzales Notary Public
Navajo County, State of Arizona



State of Arizona }
 } ss.
County of Navajo }

The foregoing instrument was acknowledged before me this 3 day of April, 2025,
by John Rodrigues.





NOTARY PUBLIC

My commission expires: 7/14/2028

THIS NOTARY CERTIFICATE IS TO BE ATTACHED TO: Authorization of Agent for Property Trust

Date of Document: April 3, 2025 / Consisting of 2 pages

Parties to Document:

John Rodrigues



Citation No. 2300374-1

Case No. V0037423

ADMINISTRATIVE CITATION AMENDED

Date Issued: April 9, 2025

Name and Address of Person(s) Cited:

Name: Julia S. Duncan Trustee
Mailing Address: 39780 McCormick Dr
City, State, Zip: Sandy, OR 97055

John Rodrigues
Agent of the Trustee of The Property Trust
PO Box 214
Joseph City, AZ 86032

Date Violation(s) Confirmed: On the 14th day of January, 2025, 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): No Situs

Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)
- ☒ 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 406.04(A)

Description of the violation(s):

- 1) Occupied recreational vehicles without land use approval.
Maximum Civil Penalty \$2,500.00 Fine \$400.00
- 2) Water hydrants installed without approved permits and approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
- 3) Accumulation of miscellaneous debris
Maximum Civil Penalty \$1,000.00 Fine: \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: April 9, 2025
Department Initiating Enforcement Action: Code Enforcement

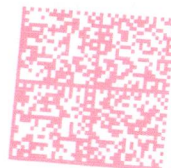


CLACKAMAS
COUNTY

DEVELOPMENT SERVICES BUILDING
DTD - CODE ENFORCEMENT

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

FIRST-CLASS
AUTO LETTER



US POSTAGE[®] PITNEY BOWES



ZIP 97045 \$ 000.54⁵
02 7W
0008029510 APR 09 2025

Handwritten signature/initials

Julia S. Duncan Trustee
39780 McCormick Dr
Sandy, OR 97055

INIT
97045-4093
40 DRAHSEB 970

NIXIE

971 DE 1343

0004/16/25
ZACS<-

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BL: 97045409299



EXHIBIT - PAGE 4 OF 5



Citation No. 2300374-1

Case No. V0037423

ADMINISTRATIVE CITATION AMENDED

Date Issued: April 9, 2025

Name and Address of Person(s) Cited:

Name: Julia S. Duncan Trustee
Mailing Address: 39780 McCormick Dr
City, State, Zip: Sandy, OR 97055

John Rodrigues
Agent of the Trustee of The Property Trust
PO Box 214
Joseph City, AZ 86032

Date Violation(s) Confirmed: On the 14th day of January, 2025, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

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Legal Description: T2S, R5E Section 27B, Tax Lot(s) 00600

Law(s) Violated:

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- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 406.04(A)

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Maximum Civil Penalty \$1,000.00 Fine: Not subject to fine amount
- 3) Accumulation of miscellaneous debris
Maximum Civil Penalty \$1,000.00 Fine: \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

Ferber, Christiane

From: Kauppi, Jennifer
Sent: Thursday, April 10, 2025 1:52 PM
To: 'Carl Cox'; 'Sui Juris'; Huegel, Caleb
Subject: Code Enforcement Hearing - Julia S. Duncan Trustee & John Rodrigues Agent of the Trustee of The Property Trust - V0037423

Mr. Cox,

A hearing has been scheduled in this matter for May 27, 2025. The hearing packet has been posted to the County website. The subject property is being held in trust. The hearing was requested by Mr. John Rodrigues. See pages 1 and 2 of Exhibit 1 to the Statement of Proof in the hearing packet. Attached to the request for hearing is a letter appointing Mr. Rodrigues as the current trustee's agent. See page 6 of Exhibit 1. In the request for hearing, Mr. Rodrigues complains that the citation does not name the current trustee. However, the current trustee's name is redacted in the letter appointing Mr. Rodrigues as the current trustee's agent.

Attached to the request for hearing is a letter from Hannah Gonzales, a notary public. The letter refers to "the original trust document dated October 2, 2001." See page 7 of Exhibit 1. Pursuant to CCC 2.07.070(H) and CHO Rule of Procedure 8.2, the County requests that you issue a subpoena requiring Mr. Rodrigues to provide the County with (1) a true and correct copy of the referenced trust document and (2) the name and address of the current trustee, if they are not included in the referenced trust document. The evidence sought is of general relevance and reasonable scope because Mr. Rodrigues argues that the citation that the County issued in this matter (see pages 1 and 2 of Exhibit R) is invalid because it does not name the current trustee.

If you issue a subpoena pursuant to this request, the County urges you to impress upon Mr. Rodrigues both the fact that the trust document may not be altered and the consequences of noncompliance under CCC 2.07.070(I).

Because this subpoena would require production of documents or things, and would not require appearance, the County does not believe payment of any fees or mileage is required.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.
Primary Phone: [503-742-4759](tel:503-742-4759)

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Ferber, Christiane

From: Carl Cox <carldcox1@yahoo.com>
Sent: Monday, April 14, 2025 10:31 AM
To: nexus41602023@gmail.com
Cc: Kauppi, Jennifer
Subject: Subpoena to John Rodriguez, File No. V0037423 [The Property Trust]
Attachments: Subpoena_John Rodrigues_V0037423_The Property Trust.pdf

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

Attached is the Subpoena I am issuing to John Rodrigues in File No. V0037423 – The Property Trust, John Rodriguez, Agent of the Trustee. The response is due to Ms. Kauppi by no later than April 26, 2025 and may be provided by email.

Carl D. Cox
Compliance Hearings Officer
Clackamas County

BEFORE THE COMPLIANCE HEARINGS OFFICER
for the
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

Petitioner,

v.

JULIA S. DUNCAN TRUSTEE, and
JOHN RODRIGUES, AGENT OF THE
TRUSTEE OF THE PROPERTY TRUST,

Respondents.

File No(s): V0037423

SUBPOENA FOR
DOCUMENT PRODUCTION

TO: John Rodrigues, Agent of the Trustee, The Property Trust

This matter came before the Clackamas County Compliance Hearings Officer pursuant to request for subpoena for document production made by Jennifer Kauppi, Code Enforcement Specialist for Clackamas County. Ms. Kauppi's mailing address is: 150 Beavercreek Rd., Oregon City, OR 97045, and her email address is: JKauppi@clackamas.us. This request was made at least seven calendar days prior to the date set for the hearing; clearly identifies the individuals from whom evidence is requested and contains sufficient information upon which to determine that the subpoena is intended to produce relevant testimony or evidence; and, is accompanied by applicable fees.

REQUEST having been made by Clackamas County Compliance Hearings Officer, you are hereby directed to produce the following documents on or before 4:00pm PST April 22, 2025:

- 1) A true and correct copy of "the original trust document dated October 2, 2001" referenced in the letter dated April 3, 2025 notarized by Hannah Gonzales and submitted with your request for hearing in this matter, a copy of which is attached as Pages 6, 7, and 8 of Exhibit 1.
- 2) The name and address of the current Trustee referenced in the letter dated April 3, 2025 notarized by Hannah Gonzales and submitted with your request for hearing in this matter, a copy of which is attached as Pages 6, 7, and 8 of Exhibit 1.

As used herein, the terms "document" or "documents" are used in the broadest sense to mean all written (whether typed or handwritten) or records material or whatever nature, in any and all languages, including any medium upon which

1 – SUBPOENA FOR DOCUMENT PRODUCTION

information is or can be recorded or stored, and includes, but is not limited to, letters, emails, faxes, notes, communications, instructions, agreements, diaries, calendars, correspondence, memoranda, worksheets, computer printouts, reports, receipts, statements, records, summaries, accountings, diagrams, visual aids, sketches, video tapes, compact discs, computer disks, thumb drives, and any other type of electronic storage all drafts and non-final versions of such documents, and all other forms of digitally stored information and electronic information, including metadata, in native format, which can be obtained either directly or by translation through detection devices together with instructions and all other materials necessary to use or interpret such electronic information.

If any person fails to comply with this subpoena, or any party of witness refuses to testify on any matters on which he/she may be lawfully interrogated, a judge of the Circuit Court for Clackamas County, on the application of the Compliance Hearings Officer, or of the party requesting issuance of the subpoena, may compel obedience by proceedings for Contempt as is in the case of disobedience of the requirements of subpoena issued from such court or a refusal to testify therein.

DATED this April 14, 2025.



CARL D. COX
COMPLIANCE HEARINGS OFFICER
14725 NE 20th St. #D-5
Bellevue, WA 98007
Tel: (503) 504-1770

CERTIFICATE OF SERVICE

I, Carl D. Cox, certify that on this day I sent a true and accurate copy of the foregoing SUBPOENA FOR DOCUMENT PRODUCTION by US Mail, first class postage pre-paid, in a properly addressed and sealed envelope, and/or via email transmission, to the following person(s) at the address shown, the last known address in the County files:

John Rodrigues
PO Box 214
Joseph City, AZ 86032
nexus41602023@gmail.com

Jennifer Kauppi
Code Enforcement Specialist
150 Beavercreek Rd.
Oregon City, OR 97045
jkauppi@clackamas.us

Dated: April 14, 2025.



Carl D. Cox, Attorney at Law

cc: Jennifer Kauppi
jkauppi@clackamas.us

Ferber, Christiane

From: Carl Cox <carldcox1@yahoo.com>
Sent: Monday, April 14, 2025 11:01 AM
To: Sui Juris
Cc: Kauppi, Jennifer
Subject: Attachment to Subpoena John Rodrigues File No. V0037423 with Exhibit 1, pages 6, 7, and 8
Attachments: V0037423_The Property Trust_Exhibit 1 pages 6,7,8.pdf

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

Attached is the portion of the County's hearing packet submission containing Exhibit 1, pages 6,7, and 8 referenced in the Subpoena I issued to John Rodrigues in File No. V0037423 – The Property Trust, John Rodriguez, Agent of the Trustee. The entire hearing packet is available on the County's website.

Carl D. Cox
Compliance Hearings Officer
Clackamas County

****Authorization of Agent for The Property Trust****

April 3, 2025

****To Whom It May Concern:****

This letter serves as formal authorization from the Trustee of "The Property Trust," dated October 2, 2001, to appoint John Rodrigues as the Trust's agent for all matters pertaining to Citation No. 2300374-1 and Case No. V0037423, and for any and all appeals and interactions that may be necessary in connection with these matters.

****Authorized Agent:**** * Name: John Rodrigues * Address: PO Box 214, Joseph City, AZ 86032 * Phone Number: 503-539-2813 * Email Address: nexus41602023@gmail.com

John Rodrigues is hereby authorized to represent "The Property Trust" in all communications, negotiations, and legal proceedings related to the aforementioned Citation and Case numbers. This authorization includes, but is not limited to, the ability to file appeals, attend hearings, and execute documents on behalf of the Trust.

****Trustee Acknowledgment and Authorization:****

(Trustee's Signature)

(Trustee's Printed Name)

****John Rodrigues Acknowledgment and Acceptance:****

I, John Rodrigues, hereby acknowledge and accept the duties and responsibilities outlined in this authorization.

(John Rodrigues' Signature)

John Rodrigues

(John Rodrigues' Printed Name)



April 3, 2025

Clackamas County Code Enforcement Section
Officer Jennifer Kauppi
150 Beavercreek Rd
Oregon City, OR 97045

Subject: Notary Acknowledgment and Verification Regarding The Property Trust and Authorized Agent

To Whom It May Concern,

This letter serves as a formal acknowledgment and verification of the appearances and affirmations made before me, Hannah Gonzales, a Notary Public in and for the State of Arizona.


On April 3, 2025, the Trustee of "The Property Trust" personally appeared before me, and presented the original trust document dated October 2, 2001. After reviewing the document and Death Certificate of Julia S Duncan, Grantor/Trustee, and verifying the co-Trustee's identification, I have confirmed that the individual presenting themselves was indeed the duly appointed Trustee of "The Property Trust." In accordance with my duties as a Notary Public, I have performed the following:

1. ****Verification of Identity:**** I verified the identity of the Trustee through satisfactory evidence, ensuring they were the person named in the trust document.
2. ****Acknowledgment of Signature:**** I acknowledged the signature of the Trustee, confirming their voluntary execution of any relevant documents.
3. ****Administration of Oaths/Affirmations:**** I administered an affirmation to the Trustee, who affirmed their position and authority.
4. ****Record Keeping:**** I have maintained a record of this notarial act in accordance with Arizona state law.

Furthermore, on the same date, John Rodrigues also appeared before me. The Trustee of "The Property Trust" provided written authorization, which was presented to me, confirming that John Rodrigues is authorized to act as the Trust's agent for all matters pertaining to Citation No. 2300374-1 and Case No. V0037423, including any and all appeals that may be necessary. I verified the Trustee's signature on the authorization document. This letter serves as confirmation of the Trustee's identity, their position, and the authorization granted to John Rodrigues.

Please do not hesitate to contact me if you require any further information.

Sincerely,


Hannah Gonzales Notary Public
Navajo County, State of Arizona



State of Arizona }
 }
County of Navajo }

The foregoing instrument was acknowledged before me this 3 day of April, 2025,
by John Rodrigues.



My commission expires: 7/14/2028



NOTARY PUBLIC

THIS NOTARY CERTIFICATE IS TO BE ATTACHED TO: Authorization of Agent for Property Trust

Date of Document: April 3, 2025 / Consisting of 2 pages

Parties to Document:

John Rodrigues

Ferber, Christiane

From: Sui Juris <nexus41602023@gmail.com>
Sent: Tuesday, April 22, 2025 10:18 PM
To: Kauppi, Jennifer; nexus41602@gmail.com
Subject: Response to Subpoena
Attachments: REsponse to Subpoena April 14, 2025 Adobe Scan Apr 22, 2025.pdf

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

Here is a PDF copy of the response to the subpoena

Thanks

John Rodrigues, Trustee's Agent

To: Carl Cox, Attorney at Law
COMPLIANCE HEARINGS OFFICER
14725 NE 20th St. #D-5
Bellevue, WA 98007
Tel: (503) 504-1770

From: John Rodrigues, Trustee's Agent, The Property Trust
P O Box 214
Joseph City, AZ 86032

Date: April 22, 2025

Dear Carl, Cox, Attorney At Law,

This letter serves as a formal response to the subpoena served upon me on April 14, 2025, requesting the production of a copy of the Trust Agreement for The Property Trust and the disclosure of the Trustee's name.

Regarding the request for the Trust Agreement, please be advised that I, John Rodrigues, as the Trustee's Agent, do not currently have the requested copy of the Trust Agreement in my care, custody, or control. To the best of my knowledge and belief, the original and any copies of the Trust Agreement are maintained by the Trustee. I do not possess the ability to produce a document that is not within my possession or control.

Regarding the request for the disclosure of the Trustee's name, I respectfully decline to provide this information at this time. I understand the legal process and the obligations of a subpoena. However, I have a good faith belief that compelled disclosure of the Trustee's identity in this context would constitute a violation of John Rodrigues, agent of the Trustee, and the Trustee's First Amendment rights against compelled speech.

The First Amendment to the United States Constitution protects the right to freedom of speech, which includes the right to ¹ refrain from speaking or disclosing private information. Requiring me, as the Trustee's Agent, to divulge the identity of the Trustee compels speech that the Trustee may have a legitimate basis for keeping private. For such a compelled disclosure to be constitutionally permissible, it would likely need to satisfy the **strict scrutiny** standard of judicial review.

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Under strict scrutiny, the government must demonstrate that its action is **narrowly tailored** to achieve a **compelling governmental interest**, and that the chosen method is the **least restrictive means** of achieving that interest.

In this instance, it is unclear what **compelling governmental interest** would be served by the compelled disclosure of the Trustee's name by the Trustee's Agent, particularly when the agent lacks possession of the primary document being sought. Furthermore, it is not apparent that this disclosure is **narrowly tailored** or the **least restrictive means** of achieving any legitimate objective the requesting party may have.

The legal name of the owner of the property is already known. Further, the name of the Trustee's agent is also disclosed. If a judgment is found against "The Property Trust" the Trustee would authorize payments of any fines and fees that have been found by a court of competent jurisdiction to be valid. Further it is a matter of public record that a redacted copy of the Trust agreement has already been provided to Clackamas County.

Please understand that this refusal is not intended to be obstructive or disrespectful to the legal process. It is based on a principled stance regarding the constitutional rights of the parties involved.

I am willing to cooperate within the bounds of my legal obligations and the rights of the Trustee. If there are specific, permissible avenues through which the requesting party can seek the Trust Agreement directly from the Trustee or through a legally sound process that respects constitutional rights, I am open to discussing those options with legal counsel.

Please govern yourselves accordingly.

Sincerely,

without prejudice


John Rodriguez