

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF HEARING

March 18, 2025

Donna S. Guerin Trustee
PO Box 62
Gladstone, OR 97027
Donna S. Guerin Trustee
17601 SE Rose St
Milwaukie, OR 97267

RE:: County of Clackamas v. Donna S. Guerin Trustee

File: V0030724

Hearing Date: April 8, 2025

Time: This item will not begin before 11:00 am however it may begin later

depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

You may contact Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint.** Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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



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You must have access to the internet or to a telephone line to use the Zoom platform. A copy of the link is provided below. 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 Kimberly Benthin at 150 Beavercreek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Kimberly Benthin at 503-742-4457 within 3 calendar days of receipt of the Notice of Hearing.

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

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

Zoom invite

Join from PC, Mac, iPad, or Android:

https://clackamascounty.zoom.us/j/84218844625?pwd=szSBbrjmzsDjafJrMHjMIIIOhIIhWT.1

Passcode:732050

Phone one-tap:

- +12532158782,,84218844625#,,,,*732050# US (Tacoma)
- +13462487799,,84218844625#,,,,*732050# US (Houston)

Join via audio:

- +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)
- +1 719 359 4580 US



DEVELOPMENT SERVICES BUILDING

150 Beavercreek Road | Oregon City, OR 97045

- +1 253 205 0468 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
- +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

Webinar ID: 842 1884 4625

Passcode: 732050

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.

ILE 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 (Manderin)

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 MỬNG! 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 <u>www.clackamas.us/transportation/nondiscrimination</u>을 참조하거나 이메일 <u>JKauppi@clackamas.us</u>, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER For COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

File No: V0030724

Petitioner,

٧.

DONNA S. GUERIN, TRUSTEE of the DONNA S. GUERIN TRUST,

Respondent.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: PO Box 62 Gladstone, OR 97027.

2.

The Respondent owns and occupies the address of the violations of law alleged in this Complaint 17601 SE Rose St., Milwaukie, OR 97267, also known as T2S, R2E, Section 18CA, Tax Lot 00100, and is located in Clackamas County, Oregon. The property is zoned Urban Low Density Residential R-7 Section 315 and is the location of violations asserted by the County.

3.

On or about the 13th day of August, 2024 and the 25th of September, 2024 AND on or about the 6th day of November, 2024, the Respondent violated the following laws, in the following ways:

Respondent violated Title 12 and 13 of the Clackamas County Code Zoning and Development Ordinance Section 315 by allowing an unauthorized occupied recreational vehicle without permitted utilities to remain on the subject property.

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

4.

On or about the 13th day of August, 2024, AND on or about the 6th day of November, 2024, the Respondent violated the following laws, in the following ways:

Respondent violated Chapter 10.03 Clackamas County of the Clackamas County

Code by allowing an accumulation of waste to remain on the subject property. This

violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

5.

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

6.

Notice of the violation was given to Respondents in the following manner: Violation notices dated August 13, 2024 and September 25, 2024 and Administrative Citation #24307-1 dated November 6, 2024. A copy of the notice documents are attached to this Complaint as Exhibits D, E and G respectively, and incorporated by this reference.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

- Pursuant to Clackamas County Code Section 2.07.090, ordering
 Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;
- 2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for a Priority 2 violation being \$500.00 to \$2,500.00 per occurrence; and the range for a Priority 4 violation being \$100.00 to \$1,000.00 per occurrence; and as provided by Appendix B to the Clackamas County Code;
- Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and
- 4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed:

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

DATED THIS 18th day of March, 2025.

Kimberly Benthin

Code Enforcement Specialist

For Clackamas County

CLACKAMAS COUNTY,

File No.: Petitioner. V0030724

٧.

DONNA S. GUERIN, TRUSTEE of the DONNA S. GUERIN TRUST,

STATEMENT OF PROOF

Respondent.

History of Events and Exhibits:

July 24, 2024 Exhibit A	Clackamas County received a complaint regarding an occupied recreational vehicle and an accumulation of waste. The property is owned by Donna S. Guerin Trust.
July 25, 2024 Exhibit B	Correspondence was mailed to the Respondent.
August 8, 2024 Exhibit C	Code Enforcement Specialist (CES) Kimberly Benthin performed an inspection and found the property to be in violation of the Solid Waste and Wastes Management Code Chapter 10.03 and Zoning and Development Ordinance.
August 13, 2024 Exhibit D	Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation mailed regarding the violations on the property. The Notice of Violation was mailed via first class mail and was not returned. The deadline provided for bringing the property into compliance with the Solid Waste and Wastes Management Code Chapter 10.03 was September 17, 2024.

Exhibit E

September 25, 2024 A Notice of Violation was mailed with options of compliance for the

occupied recreational vehicle. The deadline provided for

compliance was October 25, 2024.

October 21, 2024 An individual named Kirk came into the Development Services

Lobby to speak with Planning regarding this property.

October 31, 2025

Exhibit F

CES Kimberly Benthin performed an inspection and found the property to be in violation of the Solid Waste and Wastes

Management Code Chapter 10.03 and Zoning and Development

Ordinance.

November 6, 2024 Exhibit G

Citation #24307-1 was issued to the Respondent for a priority 4 violation of the Solid Waste Code for \$200.00 for the accumulation of waste; and a priority 2 Zoning violation for \$400.00 for the unauthorized occupied recreational vehicle. The citation was mailed first class mail. The citation was not returned. This citation has not been paid.

December 9, 2024

CES Benthin received a call from someone stating she was the Respondent's daughter. The individual stated that they need to get mail delivered directly to their home, and requested future mailings to be sent to the home address.

February 11, 2023 Exhibit H

CES Kimberly Benthin performed an inspection and found the property to be in violation of the Solid Waste and Wastes Management Code Chapter 10.03 and Zoning and Development Ordinance.

March 13, 2025

This matter was prepared for hearing.

If the Hearings Officer affirms the County's position that a violation of an unauthorized recreational vehicle and an accumulation of waste exists on the subject property, the County would request a Final Order be issued.

The County has the following recommendations:

- Payment of Citation #24307-1 for a total of \$600.00.
- The imposition of civil penalties of \$1,000.00 for the violation of the Solid Waste and Wastes Management Code and \$2.500.00 for the Zoning and Development Ordinance.
- The administrative compliance fee to be imposed from August 2024 to February 2025 for a total of \$450.00.
- If the violations are not abated the County requests authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expense the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)

Clackamas County Official Records Sherry Hall, County Clerk

ds **2021-054777**

06/03/2021 02:17:05 PM

M-TDA Cnt=1 Stn=7 LISA \$15.00 \$16.00 \$10.00 \$62.00

\$103.00

Prepared by, Recording Requested By and Return to:

Charles A. Brown & Associates, P.L.L.C. Charles A. Brown, Attorney at Law 2316 Southmore Pasadena, TX 77502 713-941-4928

Charles A. Brown & Associates, P.L.L.C. d/b/a DocSolution, Inc. did not prepare a title search of the property encumbered by the security instrument described below. The preparer of this document makes no representation as to the status of the title, loan history, property use or zoning regulations concerning described property herein assigned, transferred or conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and/or their agent. No boundary survey was made at the time of this assignment, transfer or conveyance.

ASSIGNMENT OF DEED OF TRUST

99300009021199-ER



957332

Min: 10854930000902117

MERS Phone: 1-888-679-6377

CELINK ID # 3054225

FHA Case #: 4314281221

FOR AND IN CONSIDERATION of Ten dollars (\$10.00) and other value received, the undersigned, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS DESIGNATED NOMINEE FOR FINANCIAL FREEDOM ACQUISITION LLC, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND ASSIGNS, whose address is MERS, P.O. Box 2026, Flint, MI 48501-2026, does hereby assign, transfer, convey, set over, and deliver to:

SECRETARY OF HOUSING AND URBAN DEVELOPMENT, forever and without recourse, whose address is 451 Seventh Street S.W., Washington, DC 20410

The following described deed of trust:

Dated: 5/24/2007

Executed by: DONNA S. GUERIN, TRUSTEE OF THE DONNA S. GUERIN TRUST, DATED

SEPTEMBER 15, 1995

Payable to: FINANCIAL FREEDOM SENIOR FUNDING CORPORATION, A SUBSIDIARY OF

INDYMAC BANK, F.S.B. Amount of Debt: \$426,900.00

Recorded: 5/30/2007

Recording Information: As Document 2007-047060

Recording Jurisdiction: CLACKAMAS County Clerk's Office, State of OREGON

Legal: SEE ATTACHED EXHIBIT "A"

Property Address: 17601 SE ROSE STREET, MILWAUKIE, OREGON 97267

Executed this 5/34/3031.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS DESIGNATED NOMINEE FOR FINANCIAL FREEDOM ACQUISITION LLC, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND ASSIGNS

By:

COLE GREENE

Title: ASSISTANT SECRETARY

STATE OF MICHIGAN

COUNTY OF CLINTON

Given under my hand and seal of office this _____ day of MAY 2 4 2021.D. ____

Notary Public in and for the State of MICHIGAN Notary's Printed Name: CORINNE WASHBURNE

My Commission Expires: 1/10/2027

DOT for \$426,900.00 dated 5/24/2007



Exhibit "A"

Real property in the County of Clackarnas, State of Oregon, described as follows:

Parcel I:

Part of Lot 79, JENNINGS LODGE, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southeasterly corner of JENNINGS LODGE; thence South 65°13' West 283.24 feet along the Southerly line of said JENNINGS LODGE and along the centerline of Jennings Avenue, to the Southeasterly corner of Lot 79; thence North 45°27'45" West along the line common to Lots 79 and 80, 1004.72 feet, to the Northeasterly corner of a tract under contract to Walter A. Petersen, et ux, by instrument recorded November 7, 1949 in Book 22, page 174, Miscellaneous Records, and the true point of beginning of the tract herein described; thence South 44°32'15" West along the Northerly boundary of said tract under contract to Walter A. Petersen, 148.13 feet, to the line common to Lots 78 and 79; thence North 45°30'16" West, along the line common to Lots 78 and 79, 130 feet; thence North 44°32'15" East 148.32 feet to the line common to Lots 79 and 80; thence South 45°27'45" East, along the line common to Lots 79 and 80, 130 feet to the point of beginning. EXCEPTING THEREFROM that portion lying in Rose Street.

Parcel II:

Part of Lot 79, JENNINGS LODGE, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southeasterly corner of JENNINGS LODGE, subdivision, in Section 18, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence South 65°13' West 283.24 feet along the Southerly boundary of said subdivision to the line common to Lots 79 and 80; thence North 45°27'45" West 1004.72 feet along the line common to Lots 79 and 80 to the Northeasterly corner of a the property under contract to Walter A. Petersen and Rose Marie Petersen; thence South 44°32'15" West, 148.13 feet along the Northerly boundary of the property under contract to Walter A. Petersen and Rose Marie Petersen to the line common to Lots 78 and 79; thence North 45°30'16" West 130 feet, along the line common to Lots 78 and 79, to the Southwest corner of that tract of land conveyed to James R. Arnold, et us, by Deed Recorded September 8, 1976 as Recorder's Fee No. 76-31205, Film Records and the true point of beginning of the tract of land herein to be described; thence North 44°32'15" East 123.22 feet to the most Easterly corner of said Arnold tract; thence North 45°27'45" West along the Southwesterly line of Rose Street 29.00 feet; thence South 44°32'15" East 123.22 feet to a point on the line common to Lots 78 and 79 which is 29.00 feet North 45°30'16" West from the true point of beginning: thence South 45°30'16" East 29.00 feet to the true point of beginning.

Tax Parcel Number: 00513590



DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 25, 2024

Donna S. Guerin, Trustee P.O. Box 62 Gladstone, OR 97027

Subject: Alleged Violations of the Zoning and Development Ordinance,

Title 12, Section 315 and the Solid Waste Code, Title

10.030.060 of the Clackamas County Code

Site Address: 17601 SE Rose St., Milwaukie, OR 97267 Legal Description: T2S, R2E, Section 18CA, Tax Lot 00100

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, there may be an accumulation of solid waste including putrescible (household) waste on the above referenced property.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 315 and the Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

Please contact Kimberly Benthin, Code Enforcement within ten (10) days of the date of this letter in order to discuss this matter. E-mail address is Kimben@clackamas.us

Telephone number is 503-742-4457

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

Department of Transportation and Development

Nondiscrimination Policy:

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ILE DAMOS LA BIENVENIDA! Spanish

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добро пожаловать! Russian

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

欢迎! Chinese (Manderin)

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 MỬNG! 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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DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Violation File: V0030724

August 13, 2024

Donna S Guerin, Trustee PO Box 62 Gladstone, OR 97027

Subject: **Violations of the Clackamas County**

Solid Waste and Waste Management Code Chapter 10.03

And the Clackamas County Zoning and Development Ordinance

Section 315

Site Address: 17601 SE Rose St., Milwaukie, OR 97267 Legal Description: T2S, R2E, Section 18CA, Tax Lot 00100

Clackamas County Code Enforcement Section received a complaint regarding an occupied recreational vehicle and an accumulation of waste on the above referenced property.

Recently an inspection was performed, it was confirmed that there is waste on site including but not limited to appliances and inoperable and/or not currently licensed vehicles and an occupied recreational vehicle, which appears to be in violation of the Clackamas County Code.

Please abate vehicle violations of the Solid Waste and Wastes Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, recreational vehicles etc., no later than September 17, 2024:

- 1. Remove the inoperable and/or not currently licensed vehicles from the subject property, and/or,
- 2. Render the inoperable and/or not currently licensed vehicles, operable and licensed. (Please note that vehicles stored on site that are not licensed to persons currently residing on the subject property may be a separate violation of the Zoning and Development Ordinance), and/or,
- 3. Place the inoperable and/or not currently licensed vehicles inside a structure permitted for such use, and/or,

4. Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C)).

It is important to note that covering solid waste with a tarp does not remove the items from violation.

Please abate the remaining violations of the Solid Waste and Wastes Management Code, by removing all solid waste (see definition enclosed) by one or a combination of the following options: **no later than September 17, 2024**.

1. Remove all putrescible waste, solid waste, appliances and trash to an authorized disposal facility.

And/Or:

 Screen or store all articles of solid waste you wish to keep in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C) excerpt enclosed).

An accumulation of solid waste causes a condition of unsightliness and may be a safety and health hazard, therefore, violates the Clackamas County Code, Chapter 10.03 Solid Waste and Wastes Management. It is important to note that covering solid waste with a tarp or tarp-like structure does not remove the items from violation, and all putrescible waste must be stored in a rodent-proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of once every seven (7) days.

The recreational vehicle is being maintained as a dwelling on the subject property without proper authorization from the Clackamas County Planning and Zoning Division. Your property is located in an Urban Low Density Residential R-15 (Section 315) zone classification. Currently, occupying a recreational vehicle without proper permit approval is not allowed. Clackamas County has adopted an ordinance that will allow occupied recreational vehicles to be placed on residential properties with conditions. The conditions will include but not limited to permitted electrical, water and sewer service. At this time the occupied recreational vehicle is in violation until such time as the recreational vehicle receives authorization. This request for compliance will be suspended until the ordinance takes effect on September 3, 2024. At that time if the occupied recreational vehicle remains on site compliance will be required. All wastewater must be discharged in a manner consistent with Oregon DEQ rules. Discharge of wastewater to the ground surface or to an unapproved system is a violation of OAR 340-071-0130(2).

If you have questions concerning the building permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us. You may also find information on the County's website at https://www.clackamas.us/building.

You may also visit the County's offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday. The building is closed to the public on Fridays; however,

our services are available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

If you have any questions for me, you may contact me at 503-742-4457 and my email is kimben@clackamas.us.

Lucy

Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section

Enclosure

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 Beavercreek 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 Chapter 10.03 Solid Waste and Wastes Management (The code in its entirety can be found on the Clackamas County website)

Excerpts:

10.03.060 Solid Waste or Wastes Accumulation Prohibited

- "A. Except as provided in subsection D of this Section, no person shall store, collect, maintain, or display on private property, solid waste or wastes or recyclable material that is offensive or hazardous to the health and safety of the public, or which creates offensive odors, or a condition of unsightliness. Storage, collection, maintenance, or display of solid waste or wastes in violation of this Section shall be considered to be a public nuisance which may be abated as provided in 10.03.070 of this chapter.
- B. In addition to the provisions of subsection A, the following conditions or actions are also specifically identified as creating a public nuisance under this chapter:
 - 1. Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.
 - 2. Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semi-trailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.
 - 3. Constructing a tire fence for any purpose.
 - 4. Storing waste tires except as permitted pursuant to OAR Chapter 340.
 - 5. Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight fitting lid, and not removed from the property to an authorized disposal facility within seven (7) days.
 - 6. Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.

- 7. Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.
- 8. Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.
- 9. Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.
- 10. Storing, collecting, maintaining or displaying any antique, classic, race car or collectible vehicle that is inoperable and is visible from the road or surrounding properties.
- 11. Storing any inoperable vehicle or vehicles unless said vehicle or vehicles are housed within a permitted structure or development, except up to two vehicles per premise may be stored behind a sight-obscuring screen, in accordance with 10.03.060 C, and shall not be visible from the road or surrounding properties. For purposes of this Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premises.
- 12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

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

- 1. Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of two (2) feet below ground level. There shall be a maximum post separation of eight (8) feet. The railings shall be a minimum of 2-inch by 4-inch lumber with the 4-inch side attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation of 1/4 inch.
- 2. Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of 3/8 inch between slats.
- Construct a combination fence consisting of metal sheeting attached to wood framing as
 defined in Section C 1 above, or durable metal framing, which is painted a neutral or earth
 tone color.
- 4. Construct a wall consisting of solid material, built of concrete, masonry, brick, stone or other similar materials or combinations thereof.
- 5. Construct an earthen berm consisting of dirt, soil, sand, clay or any combination thereof and shall be planted with grass and/or ornamental plantings and shall be maintained at all times.
- 6. Plant a hedge consisting of evergreen plantings or other ornamental plantings a minimum of six (6) feet in height, planted not more than two (2) feet on center and which is maintained at all times.

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

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

10.03.030 Definitions

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

which are used on private property for the production, propagation or harvesting of agricultural products grown or raised on such lands. "

. . .

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

٠..

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



DEVELOPMENT SERVICES BUILDING

150 Beavercreek Road | Oregon City, OR 97045 Violation File No. V0030724

September 25, 2024

Donna S. Guerin, Trustee PO Box 62 Gladstone, OR 97027

Subject: Violations of Clackamas County Clackamas County Zoning and

Development Ordinance Section 315 and OAR 340-071-0130(2).

Site Address: 17601 SE Rose St., Milwaukie, OR 97267 Legal Description: T2S, R2E, Section 18CA, Tax Lot 00100

As you know Clackamas County Code Enforcement received a complaint regarding an occupied recreational vehicle, on the above referenced property.

Recently, Clackamas County Board of Commissioners adopted new regulations for a recreational vehicle to be authorized as a second dwelling.

The subject property is located in an Urban Low Density Residential Section 315, R-7 zone classification. A Recreational Vehicle being maintained as a dwelling on the property requires authorization from the Clackamas County Planning and Zoning Division. Unauthorized occupied recreational vehicles constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 315.

It is requested that you abate the violations of the Clackamas County Zoning and Development Ordinance, by utilizing **one** of the following options **no later than October 25, 2024:**

1. Remove the occupied recreational vehicle(s) from the property.

<u>Or:</u>

2. If the recreational vehicle(s) is operable, currently licensed and registered to persons currently residing on the subject property, it may remain in a stored, unoccupied condition. If you wish to store it on site please provide evidence it meets these conditions and schedule a site inspection to confirm.

<u>Or:</u>

3. Submit a complete land use application and required fees to gain authorization for the occupation of the recreational vehicle on the subject property. If authorization is successfully obtained all conditions of the approval must be met before the violation is resolved.

If you choose to seek authorization for the Recreational Vehicle to be a second dwelling the requirements for this option are enclosed. It is likely you will need an electrical permit and a plumbing permit for water and sewage disposal. It is recommended that you check with your sewer service and water service provider for options and costs.

If you have any questions concerning land use permit requirements, please contact the Planning and Zoning Division at 503-742-4500 or by email at ZoningInfo@clackamas.us You may also visit the County's offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday. The building is closed to the public on Fridays; however, our services are available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

If you have any questions please feel free to contact me. My telephone number is 503-742-4457 and email kimben@co.clackamas.or.us.

Kimberly Benthin

Code Enforcement Section

Enclosures

Important Notices

- 1. Administrative Compliance Fees. It is important that you contact Code Enforcement to resolve the violations described in the enclosed letter. An administrative 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 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, 150 Beavercreek Rd., Oregon City, OR 97045, or to 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 parties to voluntarily come into compliance with the code 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 violation, the County may, in its discretion waive all or part of the \$75 per month administrative compliance fee.
- 6. **Non-compliance may result in a lien upon your property:** Fines, penalties and fees are payable upon the effective date of the final order imposing them. Such fines, penalties and fees are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt. If fines, penalties, and fees 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.



FREQUENTLY ASKED QUESTIONS

Expanding Housing Options in Unincorporated Clackamas County: Using an RV as a Second Dwelling

Effective **September 3, 2024**, the use of a **recreational vehicle (RV)** as a second dwelling is allowed on some residential properties.

Why did the county change the rules to allow RVs to be used as second dwellings?

The Oregon Legislature passed a law in 2023, Senate Bill (SB) 1013, that gave counties the option of allowing RVs as second dwellings on certain properties. In light of the pressing need for additional housing, the Clackamas County Board of Commissioners chose to take advantage of this opportunity.

Did the county change my zoning?

No. The new regulations did not change anyone's zoning designation; they simply added another housing option in certain existing zones.

What is the definition of an RV?

An RV is a titled vehicle, with or without motive power, that is designed for human occupancy, has a total floor area of 400 square feet or less when it is set up, and has not been rendered structurally immobile. RVs include, but are not limited to, park trailers, travel trailers, pick-up campers, motor homes, fifth wheel trailers, and camping and tent trailers.



Where can RVs be permitted as a second dwelling?

Only in certain residential zones in unincorporated Clackamas County (outside city limits):

Urban low density residential zones:

R-5 through R-30, VR-4/5, and VR-5/7

Other single-family residential zones **unless** the property is in an urban reserve or within the urban growth boundaries of Barlow, Canby, Estacada, Molalla or Sandy:

RA-1, RA-2, RRFF-5, FF-10, RR, FU-10, HR, and MRR





Can the RV be parked on the street?

No. The RV must be on private property, with permitted water, wastewater, and electrical connections. Living in an RV parked in the right-of-way is still **not allowed** in the county.

How do I check my zoning to see if my property would qualify?

Go to <u>cmap.clackamas.us</u>, search by your address, then click on the Zoning & Development tab. For help, call Planning and Zoning at (503) 742-4500 or email zoninginfo@clackamas.us.

Revised: 09/05/24

What are the requirements for using RVs as second dwellings in these areas? The property:

- Must contain a single-family dwelling that is occupied as the property owner's primary residence. No portion of the single-family dwelling can be rented for residential tenancy.
- Cannot have any other dwelling units or a guest house.

The RV:

- Cannot be used as a short-term rental.
- Cannot be located in 100-year floodplain and floodway areas.
- Must comply with the same setbacks that apply to the primary dwelling.
- Must be at least 10 feet and no more than 100 feet from the primary dwelling.
- Must have a working toilet and sink.
- Must be connected to an onsite wastewater system or public sewer; public water service or well; and electricity. Permits must be obtained for these connections.

The property owner:

- Must provide a rental agreement between the property owner(s) and the resident(s) of the RV.
- Must receive land use approval before moving an RV onto the property for use as a dwelling.

You can find the specific requirements in **Section 847** the county's <u>Zoning & Development Ordinance</u> (<u>ZDO</u>).

How do I get approval to use an RV as a second dwelling?

- 1. **Understand the rules:** Does your zoning district allow for RVs to be used as second dwellings? Can you meet the requirements in ZDO Section 847? Contact Planning and Zoning at 503-742-4500 or zoninginfo@clackamas.us to find out whether any overlays, protected areas, or other special circumstances will affect your ability to use an RV as a second dwelling.
- 2. **Apply for land use approval:** Complete the <u>Recreational Vehicle as a Second Dwelling application form</u>. Submit the application and payment to Planning and Zoning in person at the Development Services Building or by email at <u>zoninginfo@clackamas.us</u>. It may take up to 6 weeks for staff to issue a decision once an application is deemed complete.
- 3. **Get permits:** After you receive land use approval, you must obtain permits for connecting the RV to electricity, potable water, and either public sewer or an on-site wastewater system. You may also need a permitted stormwater drainage connection.

How much will the permit(s) cost?

The land use application fee is **\$480**. Permit costs for utility connections are determined by whichever department or agency issues the permits. Please contact your provider for actual costs specific to your property:

Sewage disposal: Contact your sewer service provider, or the County's Septic and Onsite Wastewater Program (503-742-4740; septicinfo@clackamas.us).

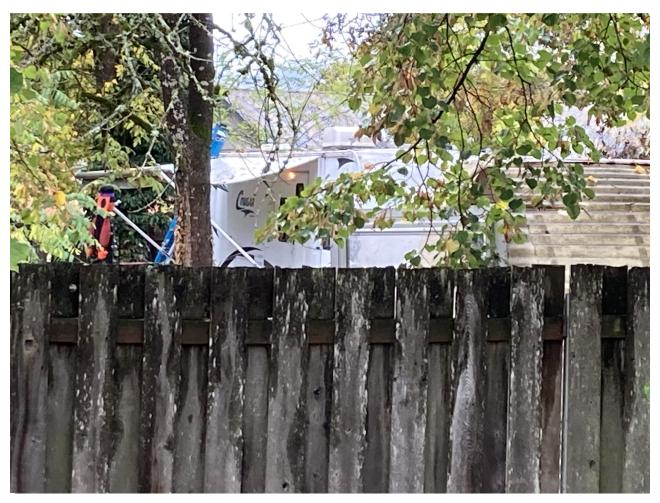
Water: Contact your water service provider, or the State Water Resources Dept, if on a well (503-986-0900).

System Development Charges (SDCs) for impacts to the transportation system and/or parks: Transportation Engineering (503-742-4691; engineering@clackamas.us).

For more information, visit the Planning and Zoning project web page:

ADUs and RVs as options for secondary dwellings | Clackamas County

Revised: 09/05/24 Exhibit E Page 5 of 5













Citation No. 24307-1

Case No. V0030724

ADMINISTRATIVE CITATION

Date Issued: November 6, 2024

Name and Address of Person(s) Cited:

Name: Donna S. Guerin. Trustee

Mailing Address: PO Box 62

City, State, Zip: Gladstone, OR 97027

Date Violation(s) Confirmed: On the 25th day of September, 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): 17601 SE Rose St., Milwaukie, OR 97267

Legal Description: T2S, R2E Section 18CA, Tax Lot 00100

Law(s) Violated

	Chapter 7.03 of Clackamas County Code, Road Use, Section
	Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
	Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040,
	Chapter 9.03 of CCC Excavation and Grading, Section
\times	Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
\times	Title 12 and 13 of CCC Zoning and Development Ordinance, Section 315
	Other law:

Description of the violation(s):

1) An accumulation of waste on site include but not limited to appliances and inoperable and not currently licensed vehicles.

Maximum Civil Penalty \$1,000.00 Fine \$200.00

2) A recreational vehicle is occupied on site without land use authorization or permitted utilities.

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 \$700.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by: Kimberly Benthin

Date: November 6, 2024

Telephone No.: 503-742-4457

Department Initiating Enforcement Action: Code Enforcement

Exhibit G Page 1 of 2

PLEASE READ CAREFULLY!

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

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

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:

Clackamas County Code Enforcement Section

150 Beavercreek Rd.

Oregon City, OR 97045

2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature:	Date:	
Address:		
	City, State, Zip	
Contact Number:	Email:	

Violation File #: V0030724

