

DEVELOPMENT SERVICES BUILDING

150 Beavercreek Road | Oregon City, OR 97045

NOTICE OF HEARING

April 3, 2025

Diana Munden-Bush
PO Box 16547
Portland, OR 97292
Diana Munden-Bush
18140 SE Emi St
Damascus, OR 97089

RE:: County of Clackamas v. Diana Munden-Bush

File: V0044824

Hearing Date: April 22, 2025

Time: This item will not begin before 1:00 pm 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. <u>Right to Recess</u>. 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.



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 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 Jennifer Kauppi 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 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

Join from PC, Mac, iPad, or Android:

https://clackamascounty.zoom.us/j/88337124914?pwd=feADQsBO5UwOawaQJaz1d7vttkfQm8.1

Passcode:536795

Phone one-tap:

- +16694449171,,88337124914#,,,,*536795# US
- +16699006833,,88337124914#,,,,*536795# US (San Jose)

Join via audio:

- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)



DEVELOPMENT SERVICES BUILDING

150 Beavercreek Road | Oregon City, OR 97045

- +1 408 638 0968 US (San Jose)
- +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
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US

Webinar ID: 883 3712 4914

Passcode: 536795

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

COUN	ΤV	$\bigcirc E$	CI	^{4}CK	АМА	C
COUN	1 1	OI.	V / I //	\mathcal{L}	/ \ V / \	. 7.

Petitioner,

File No: V00448

v.

DIANA MUNDEN-BUSH,

Respondent.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: PO Box 16547, Portland, OR 97292.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 18140 SE Emi St., Damascus, OR 97089 also known as T2S, R3E, Section 07A, Tax Lot 00107, and is located in Clackamas County, Oregon. The property is zoned RRFF5 and is the location of violation(s) asserted by the County.

3.

On or about the 6th day of November, 2024 and on the 10th day of February, 2025 the Respondent violated the following law, in the following way:

a. Respondent violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by accumulating inoperable and/or non-currently licensed vehicles. This violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to the Respondent in the following manner: Violation Notice and Citation and Complaint 2400448 in the amount of \$200.00 was mailed via first class mail on February 11, 2025. A copy of the notice document is attached to this Complaint as Exhibits C and F, 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 Respondent to immediately abate the violation 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 Solid Waste and Waste Management Code Priority 4 violation being \$100.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

Page 2 of 3 - COMPLAINT AND REQUEST FOR HEARING File No. V0044824

3. 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;

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:

and

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

DATED THIS 3rd day of April, 2025.

Jennifer Kauppi

Code Enforcement Specialist

FOR CLACKAMAS COUNTY

Jennifer Kauppi

Page 3 of 3 – COMPLAINT AND REQUEST FOR HEARING File No. $\,$ V0044824

COUNTY OF CLACKAMAS,

Petitioner, File No.: V0044824

DIANA MUNDEN-BUSH

Respondent. STATEMENT OF PROOF

History of Events and Exhibits:

Exhibit A

Exhibit C

Exhibit D

October 22, 2024 Clackamas County received a complaint regarding an accumulation of solid

waste on the subject property.

October 23, 2024 Correspondence was sent to the Respondent regarding the alleged violation.

November 5, 2024 I conducted a site inspection of the subject property. I observed an

Exhibit B accumulation of miscellaneous debris and inoperable or non-currently

licensed vehicles.

November 6, 2024 A Notice of Violation was mailed to the Respondent providing a deadline

> date of December 6, 2024 to abate the violation. The notice was sent to the mailing address on file and a copy was sent to the site address. On January 15, 2025 the alleged letter and the violation letter that were sent to the PO Box were returned as undeliverable. The violation notice sent to the site

address was note returned to the County.

December 6, 2024 I received a voicemail from Marcia who stated she was the daughter of

> Diana. Marcia stated that she had done some cleaning up of the property. She also stated that she was taking Diana to the DMV to obtain paperwork

for the vehicles.

December 9, 2024 I conducted a site inspection. I noted that progress had been made on

removing or screening the miscellaneous debris, however, the vehicles

remained inoperable or non-currently licensed.

January 14, 2025 I spoke with Marcia on the phone. Marcia state the remaining debris had

been removed or screened. They were still working on the vehicles.

February 10, 2025 I conducted a site inspection. I confirmed the miscellaneous debris had

Exhibit E been addressed, however, the vehicles remained in violation.

February 11, 2025 Citation 2400448 in the amount of \$200.00 for the Priority 4 Solid Waste Exhibit F

and Wastes Management Code violation was sent first class mail to the

Respondent with a copy being sent to the site address. The citation was not

returned to the County and remains unpaid.

March 17, 2025 Exhibit G	I conducted a site inspection and confirmed the property remained in violation.
March 27, 2025	This matter was referred to the Hearings Officer.

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

- The Respondent shall be ordered to bring the property into compliance with the Solid Waste and Wastes Management Code within 30 days of the date of the Order by screening no more than two vehicles from the road and surrounding properties code compliantly. All other vehicles must be currently licensed and operable or removed from the property to an authorized location.
- Code Enforcement to confirm compliance of the above item and the County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent.
- The report may include the following recommendations:
- The imposition of civil penalties for the Solid Waste and Wastes Management Code violation of up to \$1,000.00 for date cited February 10, 2025.
- Payment for Citation No. 2400448 issued on February 11, 2025 for \$200.00.
- The administrative compliance fee to be imposed from November, 2024 until the violation is abated. As of this report the total is \$300.00.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

October 23, 2024

Diana Munden-Bush PO Box 16547 Portland, OR 97292

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

of the Clackamas County Code

Site Address: 18140 SE Emi St, Damascus, OR 97089 Legal Description: T2S, R3E, Section 07A, Tax Lot 00107

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

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

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

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination.

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.

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.

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.

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.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination.

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

Property Account Summary



Account Number	00613937	Property Address	18140 SE EMI ST , DAMASCUS, OR 97089	
General Informat	ion			
Alternate Property #		23E07A 00107		
Property Description		1796 WEST PA	ARK ADD #1 LT 2	
Property Category		Land &/or Bui	ldings	
Status		Active, Locally	/ Assessed	
Tax Code Area		012-216		
Remarks				
Tax Rate				
Description		Rate		
Total Rate		17.468		
Property Characte	eristics			
Neighborhood		16081: City	of Damascus 100, 101	
Land Class Category		101: Reside	101: Residential land improved	
Building Class Cate	gory	14: Single	family res, class 4	
Year Built		1976	1976	
Change property ra	tio	1XX		
Related Propertie	s			
No Related Properti	es Found			
Parties				
r a1 UC3				

Role	Percent	Name	Address
Taxpayer	100	MUNDEN- BUSH DIANA	PO BOX 16547, PORTLAND, OR 97292
Owner	100	MUNDEN- BUSH DIANA	PO BOX 16547, PORTLAND, OR 97292

Property Values						
Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020	
AVR Total	\$256,716	\$249,239	\$241,980	\$234,933	\$228,091	
Exempt						
TVR Total	\$256,716	\$249,239	\$241,980	\$234,933	\$228,091	
Real Mkt Land	\$186,591	\$184,487	\$180,979	\$155,726	\$136,787	
Real Mkt Bldg	\$352,280	\$348,150	\$346,660	\$299,300	\$266,430	
Real Mkt Total	\$538,871	\$532,637	\$527,639	\$455,026	\$403,217	
M5 Mkt Land	\$186,591	\$184,487	\$180,979	\$155,726	\$136,787	
M5 Mkt Bldg	\$352,280	\$348,150	\$346,660	\$299,300	\$266,430	
M5 SAV						
SAVL (MAV Use Portion)						
MAV (Market Portion)	\$256,716	\$249,239	\$241,980	\$234,933	\$228,091	
Mkt Exception						
AV Exception						

Active Exemptions

No Exemptions Found

Events					
Effective Date	Entry Date- Time	Туре	Remarks		
06/15/2016	06/15/2016 15:56:00	Annexation Completed For Property	Disincorporation of City of Damascus, Order # 2016-074 by DeenaMeh		





EXHIBIT B _ PAGE 1 OF 4





EXHIBIT B _ PAGE 2 OF 4

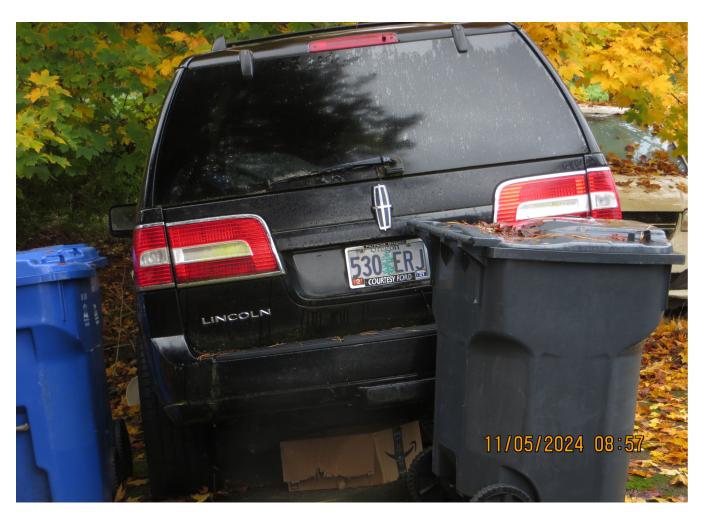




EXHIBIT B _ PAGE 3 OF 4





EXHIBIT B _ PAGE 4 OF 4



DEVELOPMENT SERVICES BUILDING

150 Beavercreek Road | Oregon City, OR 97045

NOTICE OF VIOLATION

November 6, 2024

Diana Munden-Bush 18140 SE Emi St Damascus, OR 97089 Diana Munden-Bush PO Box 16547 Portland, OR 97292

SUBJECT: Violation of Clackamas County Solid Waste and Waste Management

Code, Title 10, Chapters 10.03.060 (A) and (B)

VIOLATION FILE: V0044824

SITE ADDRESS: 18140 SE Emi St, Damascus, OR 97089 LEGAL DESCRIPTION: T2S, R3E, Section07A, Tax Lot 00107

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

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

VIOLATIONS & HOW TO RESOLVE

Solid Waste

On October 22, 2024 Clackamas County Code Enforcement received a complaint regarding an accumulation of solid waste and inoperable or non-currently licensed vehicles on the subject property.

I conducted a site inspection of the property on November 5, 2024 and confirmed a violation does exist on the subject property. I observed 3 inoperable and/or non-currently licensed vehicles onsite. In addition there was an accumulation of miscellaneous debris at the front of the property.

The accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and constitutes a violation of Clackamas County Code Title 10.03.060 (A) and (B). In order to abate the violations, you must complete the following **no later than December 6, 2024**

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

Inoperable and/or Non-Currently Licensed Vehicles

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

CONTACT INFORMATION

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 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

Jennífer Kauppí

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

- 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 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 ½ inch.
- (2) Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of 3/8 inch between slats.
- (3) Construct a combination fence consisting of 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

	FORM No. 963 - WARRANTY DEED - STATUTORY FORM (Individual Grantor).	STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204
0	WARRANTY I	DEED—STATUTORY FORM DIVIDUAL GRANTOR
10	Geraldine R. Zimmerman	, Grantor,
18		nd Diana Munden-Bush HUSBAND AND WIFE
/	conveys and warrants toWilliam M. Bush &	UIU PLANO. Approve
		to the first transfer
$\mathcal{J} \ $	except as specifically set forth herein situated in	Clackamas County, Oregon, to-wit:
27	See	Exhibit "A".
2/44/2		
\mathcal{J}_{\parallel}		
7		
1-		
0		TO THE PROPERTY ON THE VEDGE SIDE)
	(IF SPACE INSUFFICIENT	, CONTINUE DESCRIPTION ON REVERSE SIDE)
	The property is free from encumbrances except	
	to the conveyance is \$ 1	195,000.00 (Here comply with the requirements of ORS 93.030)
	The true consideration for this conveyance is pure	(Hele comply)
(C)	Dated this 25 day of December	, 19. 97 Seraldine R. Fimmerman
	ALLOW USE OF THE PROPERTY DESCRIB	EDIN HILD A 1 2 D Zimmerhian
	INSTRUMENT IN VIOLATION OF ALL ELOADED WASAIT THE DEDOON ACCOUNTY	HIRING FFF
2.5	TITLE TO THE PROPERTY SHOULD CITED APPROVED LISES AND TO DETER	RMINE ANY
swart	I IMITE ON LAWSHIES AGAINST IMPRIME OF THE STATE OF THE S	
S	This instrument W.	as acknowledged before the on
1	OFFIDIAL SEAL	R. Zimmerman aldine A MII Ce
	MOTARY PUBLIC - OREGON	1) raco
ļ	COMMISSION NO.034339 MY COMMISSION EXPIRES JUNE 29, 1963	Notary Public for Oregon My commission expires My commission
	Commission of the Commission o	My commission expires
	WARRANTY DEED	STATE OF OREGON,
	GRANTOR	\{ s
	Geraldine R. Zimmerman GRANTOR William M. Bush & Diana Mundenus	County of
		ment was received for record on the
	GRANTEE'S ADDRESS, ZIP After recording return to:	day of, 19
		ato'clockM., and records space reserved in book/reel/volume No
	Joel L. Augee Hagen, Dye, Hirschy & DiLorenzo	
	1 S W Columbia, Ste 1900	PAGE PAGE PAGE PAGE PAGE PAGE PAGE PAGE
	Portland, Oregon 97258-2087	Record of Deeds of said County. Witness my hand and seal
	Until a change is requested, all tax statements	County affixed.
	shall be sent to the following address: William M. Bush & Diana Munden-Bus	
	18140 S.E. Emi Street	NAME TITLE
	Clackamas, Oregon 97015	Ву Depu

NAME, ADDRESS, ZIP

EXHIBIT A

Lot 2, according to the duly filed plat of WEST PARK ADDITION NO. 1, filed October 12, 1972 as Plat No. 1796, Records of the County of Clackamas and State of Oregon.

Subject to the following exceptions:

Easement as shown on the plat: 1.

For

Drainage

Affects

The South 20 feet

Covenants, Conditions and Restrictions, including the terms and provisions thereof, 2. but omitting any restriction based on race, color, religion or national origin appearing

of record, in Declaration:

October 12, 1972

Fee No.

Recorded

72-31083

STATE OF OREGON 97-101507

Received and placed in the public records of Clackamas County RECEIPT# AND FEE: DATE AND TIME: 12/30/97 JOHN KAUFFMAN, COUNTY CLERK



5391.001 H:\WP6\SLL\0102SLL.DOC



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

NTXTE



Diana Munden-Bush PO Box 16547 Portland, OR 97292

9991/99/25 ZACS <-



DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF VIOLATION

November 6, 2024

Diana Munden-Bush 18140 SE Emi St Damascus, OR 97089

Diana Munden-Bush PO Box 16547 Portland, OR 97292

SUBJECT:

Violation of Clackamas County Solid Waste and Waste Management

Code, Title 10, Chapters 10.03.060 (A) and (B)

VIOLATION FILE: V0044824

SITE ADDRESS:

18140 SE Emi St, Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section07A, Tax Lot 00107

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

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

VIOLATIONS & HOW TO RESOLVE

Solid Waste

On October 22, 2024 Clackamas County Code Enforcement received a complaint regarding an accumulation of solid waste and inoperable or non-currently licensed

I conducted a site inspection of the property on November 5, 2024 and confirmed a violation does exist on the subject property. I observed 3 inoperable and/or noncurrently licensed vehicles onsite. In addition there was an accumulation of miscellaneous debris at the front of the property.

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



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



Diana Munden-Bush PO Box 16547 Portland, OR 97292

VML

NIXTE

9991/99/25

RETURN TO SENDER UNABLE TO FORWARD

6C: 97045409299 *2289-00473-24-05



DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

October 23, 2024

Diana Munden-Bush PO Box 16547 Portland, OR 97292

Subject:

Alleged Violation of the Solid Waste Code, Title 10.03.060

of the Clackamas County Code

Site Address:

18140 SE Emi St, Damascus, OR 97089 Legal Description: T2S, R3E, Section 07A, Tax Lot 00107

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

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

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

Email 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.





EXHIBIT D _ PAGE 1 OF 2







EXHIBIT E _ PAGE 1 OF 1



Citation No. 2400448

Case No. V0044824

ADMINISTRATIVE CITATION

Date Issued: February 11, 2025

Name and Address of Person(s) Cited:

Name: Diana Munde-Bush
Mailing Address: PO Box 16547
City, State, Zip: Portland, OR 97292

Date Violation(s) Confirmed: On the 10th day of February, 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): 18140 SE Emi St., Damascus, OR 97089

Legal Description: T2S, R3E Section 07A, Tax Lot(s) 00107

Law(s) Violated:

Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060

Description of the violation(s):

1) Accumulation of inoperable or non-currently licensed vehicles

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 \$200.00. 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: February 11, 2025

Telephone No.: 503-742-4759 Department Initiating Enforcement Action: Code Enforcement

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:			

