

To request translation or disability-related accommodations, please contact us at DTDcompliance@clackamas.us | 503-742-4400.

Si quiere solicitar servicios de traducción o adaptaciones para la discapacidad, contáctenos en/al DTDcompliance@clackamas.us | 503-742-4400.

Чтобы запросить перевод или приспособления, связанные с инвалидностью, пожалуйста, свяжитесь с нами по:

DTDcompliance@clackamas.us | 503-742-4400.

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:

DTDcompliance@clackamas.us | 503-742-4400.

如需翻译服务或残障相关的协助，请与我们联系：

DTDcompliance@clackamas.us | 503-742-4400。

Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua DTDcompliance@clackamas.us | 503-742-4400.



Clackamas County
www.clackamas.us



NOTICE OF HEARING

May 18, 2026

Richard W Clapp & Kathryn S Watkins
1931 NE Klickitat St.
Portland, OR 97212

RE: County of Clackamas v. Richard W Clapp & Kathryn S Watkins
File: V0004825

Hearing Date: June 23, 2026

Time: This item will not begin before 10:00 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 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 evidence that a violation exists or existed. Either party may, at their own expense, obtain an attorney, to represent that 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 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 a continuing order. The Hearings Officer 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, the 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 proceedings be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.

6. Right to Appeal. The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearing Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, the appellant is responsible for all costs of appeal including preparation of transcript.



You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been emailed to funstarry7@aol.com. A copy of the link is provided below. Once you have joined the meeting, you will be prompted to join as panelist. Please click **JOIN AS PANELIST.**

If you would like to present evidence at the Hearing, please email Kimberly Benthin at Kimben@clackamas.us or mail your evidence to Kimberly Benthin at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing.** Staff will process 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 are unfamiliar with using the Zoom platform, please perform an internet search of “how to use Zoom” and there are many interactive guides available. **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 971-930-6134 for assistance.

Zoom Invite:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/82897245861?pwd=xBhRm3P632cN2KzKyw44kn6QYOLmgu.1>

Passcode: 257929

Phone one-tap:

+16694449171,,82897245861# US +16699006833,,82897245861# US (San Jose)

Join via audio:

+1 669 444 9171 US

+1 309 205 3325 US

+1 669 900 6833 US (San Jose)

+1 312 626 6799 US (Chicago)

+1 719 359 4580 US

+1 360 209 5623 US

+1 253 205 0468 US

+1 386 347 5053 US

+1 253 215 8782 US (Tacoma)

+1 507 473 4847 US

+1 346 248 7799 US (Houston)

+1 564 217 2000 US

+1 408 638 0968 US (San Jose)

+1 646 876 9923 US (New York)

+1 689 278 1000 US

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

Webinar ID: 828 9724 5861

International numbers available: <https://clackamascounty.zoom.us/j/kcKH4Y3wwk>

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

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination

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 MỪNG! Vietnamese

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

환영합니다. Korean

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

BEFORE THE COMPLIANCE HEARINGS OFFICER
For
COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

File No: V0004825

Petitioner,

v.

RICHARD W. CLAPP, and
KATHRYN S. WATKINS

Respondents.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents mailing address is: 1931 NE Klickitat St., Portland, OR 97212.

2.

The Respondents own the location of the violations of law alleged in this Complaint 5872 SE Harney Dr., also known as T1S, R2E, Section 30AA, Tax Lot 2500, and is located in Clackamas County, Oregon. The property is zoned Urban Low Density Residential Section 315, R-7 and is the location of the violation asserted by the County.

3.

On or about the 13th day of March 2025, and on or about the 12th day of June 2025, the Respondents violated the following laws, in the following ways:

Respondents violated Title 10 of the Clackamas County Code Solid Waste and Wastes Management Code Chapter 10.03.060 by allowing an accumulation of waste and inoperable vehicles on the subject property.

This violation is a Priority 3 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 Respondents in the following manner: Violation notice mailed March 13, 2025, and Administrative Citation #2500048-1 dated June 17, 2025. A copy of the notice documents is attached to this Complaint as Exhibits D and H respectively and incorporated by this reference.

6.

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future.

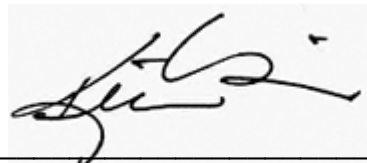
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for the Priority 3 violation being \$250.00 to \$1,500.00 per occurrence as provided by Appendix B to the Clackamas County Code.

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

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

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

DATED THIS 13th day of May 2026.



Kimberly Benthin
Code Enforcement Specialist
For Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0004825

v.

RICHARD W. CLAPP, and
KATHRYN S. WATKINS

Respondents.

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|--------------------------------|--|
| February 6, 2025
Exhibit A | Clackamas County received a complaint of an accumulation of waste including inoperable and unlicensed vehicles on the subject property. |
| February 10, 2025
Exhibit B | Correspondence was mailed to the Respondents regarding the allegation requesting contact within ten days. |
| March 6, 2025
Exhibit C | Code Enforcement Specialist (CES) Kimberly Benthin performed a site inspection and found inoperable vehicles on the subject property in violation of the Solid Waste and Wastes Management Code. |
| March 13, 2025
Exhibit D | Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation mailed to the Respondents. The Notice of Violation was mailed via first class mail and requested compliance with the Solid Waste and Wastes Management Code not later than April 16, 2025. |
| March 19, 2025 | Respondent Richard Clapp telephoned CES Benthin. He had received the February 10 th correspondence and had not yet read the violation notice. The conversation included the definition of solid waste, inoperable vehicles and fines. |
| March 19, 2025
Exhibit E | CES Benthin sent an email to Respondent Clapp with the information regarding garbage service and provided him with a copy of the Notice of Violation. |
| April 25, 2025 | Respondent Clapp phoned CES Benthin and provided an update of the progress. He stated that they had pulled out three or four vehicles. The pile at the northwest corner of the building is cleaned up. There is a pile near entrance scheduled to go to the dump. |

Remaining items will be cut up and put in dumpster. He said the two box vans are going to be licensed and they are operable. CES Benthin advised that the deadline has passed and an inspection will occur on Thursday, April 30th. Respondent Clapp said he will get tenant to get as much completed as possible before Thursday.

April 30, 2025
Exhibit F

CES Benthin performed a site inspection and found a 1990 Mercedes with expired plates; a white GMC box van with expired plates, flat tires and lumber stacked alongside; a second white box van near the fence with an accumulation of items and a red ford van without plate.

May 15, 2025

Respondent Clapp and CES Benthin spoke on the phone. The Respondent stated the white box vans remain on site but now have temporary permits. CES Benthin explained they must also be operable. Respondent Clapp stated most of the clean-up work occurred after the April 30th site visit. CES Benthin said the next site visit will be near the end of May. Respondent Clapp said he would get on it.

June 12, 2025
Exhibit G

CES Benthin performed a site inspection and took photos. The two white vans, items in the corner of the lot, a blue ford Ranger with expired tags and now a blue inoperable vehicle on a trailer were found on the subject property.

June 17, 2025
Exhibit H

Citation # 2500048-1 in the amount of \$300.00 was issued for a priority 3 violation of the Solid Waste and Wastes Management Code violation, The citation was mailed to the Respondents by first class mail. The first-class mail was not returned. This citation has not been paid.

June 24, 2025

Respondent Clapp and CES Benthin spoke on the phone. CES Benthin reported what had been found during the June 12th inspection. Respondent Clapp stated the vehicles may not be currently licensed, but they are accessed every day. Respondent Clapp asked about two expired vehicles that tenants drive to work every day. CES Benthin explained she wasn't sure if those were on site during the inspection. Respondent Clapp stated he did not know if he could force his tenants to take care of the vehicles. He might have to amend his contract. CES Benthin explained that if he needs to do that and needs some time, that could be arranged. Respondent Clapp said the white van stores supplies for repairing properties and it is very convenient to have the supplies on location. He stated he would see what he can do.

August 7, 2025 Exhibit I	CES Benthin conducted a site inspection. Property was found to be in violation of the Solid Waste and Wastes Management Code.
August 26, 2025	Respondent Clapp and CES Benthin spoke on the telephone. He stated that the tenant responsible for all of the waste is moving out should be gone September 15 th . The tenant has removed a trailer load of stuff out. Compliance with the Solid Waste and Wastes Management Code was discussed.
August 27, 2025 Exhibit J	Per the Respondent's request an email was sent with a copy of the August Administrative and Compliance Fee letter and the March Violation Notice.
March 6, 2026 Exhibit K	CES Benthin performed a site inspection and found the property to remain in violation of the Solid Waste and Wastes Management Code.
April 22, 2026	The County prepared this matter to be scheduled for a Code Enforcement Hearing.

If the Hearings Officer affirms the County's position that a violation of the Solid Waste and Wastes Management Code exists on the subject property, the County requests a Final Order be issued with the following recommendations:

- Payment of Citation No. 2500048-1 for \$300.00 for the priority 3 Solid Waste and Wastes Management Code violation.
- Assessment of a civil penalty between \$250.00 and \$1,500 for the priority 3 code violation for date June 17, 2025.
- Assessment of an administrative compliance fee calculated at the rate of \$75.00 per month starting April 2025 end of June 2025, subtotaling \$225.00.
- Assessment of an administrative compliance fee calculated at the rate of \$100.00 per month starting July 2025 through date of abatement or date of final order subtotaling \$900.00 at this time
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- 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).

Should mitigating factors be presented in the hearing, which the Hearings Officer determines warrants a Continuing Order, the County would request:

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 within 30 days of the date of the hearing:

- Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or**,
- 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**,
- Place the inoperable and/or not currently licensed vehicles inside a structure permitted for such use, **and/or**,
- Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code. Please be advised that fence screening may not be allowed within the parking lot.

Also remove any remaining solid waste on the subject property that is not a vehicle.

The County will submit a timely Post Hearing Status Report. The report may include fines and fees as recommended above. The report will be sent to the Compliance Hearings Officer and to the Respondent.

Sandra E. Boynton, Personal Representative
Estate of Dorothy S. Adams;
Richard W. Clapp; and
Kathryn S. Watkins, Grantors.

Richard W. Clapp
1931 N.E. Klickitat Street
Portland, OR 97212, Grantee

Kathryn S. Watkins
895 N.E. 22nd Street
Gresham, OR 97030, Grantee

After recording, return and send all tax statements:
Richard W. Clapp
1931 N.E. Klickitat Street
Portland, OR 97212

Clackamas County Official Records
Sherry Hall, County Clerk

2013-080950



\$48.00

01735805201300809500010011

12/09/2013 11:19:19 AM

D-D Cnt=1 Stn=52 CONNIE
\$5.00 \$10.00 \$16.00 \$17.00

12E30AA02500 00067625

DEED OF PERSONAL REPRESENTATIVE

Sandra E. Boynton, the duly appointed, qualified, and acting personal representative of the estate of Dorothy S. Adams, deceased, Clackamas County probate number P-1208025, as to a one-third interest, and Richard W. Clapp, as to a one-third interest, and Kathryn S. Watkins, as to a one-third interest, grantors, hereby convey to Richard W. Clapp, and Kathryn S. Watkins, grantees, as Tenants in Common, that real property situated in Clackamas County, Oregon, described as follows:

The Southwesterly 115.0 feet of Lot 14, Block 30, according to the duly filed plat of DARLING PLAT NO. 4, filed August 3, 1921 as Map No. 438, Records of the County of Clackamas and State of Oregon.

This property is free from encumbrances except for those of record.

The true consideration for this conveyance is \$ None (Estate distribution).

DATED: Nov. 27th, 2013

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

Sandra E. Boynton
Sandra E. Boynton Personal Representative for the Estate of Dorothy S. Adams on behalf of the estate
Richard W. Clapp
Kathryn S. Watkins
Kathryn S. Watkins

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on the 27th day of November, 2013, by Sandra E. Boynton, Clapp, and Kathryn S. Watkins.



Stacie L. Ingle
Notary Public for Oregon
My Commission Expires: June 26th 2016

AT



February 10, 2025

Richard W Clapp
1931 NE Klickitat St.
Portland, OR 97212

Kathryn S Watkins

Subject: Alleged Violation of the Solid Waste Code, Title 10.030.060 of the Clackamas County Code

Site Address: 5872 SE Harney Dr. Portland, OR 97206
Legal Description: T1S, R2E, Section 30AA, Tax Lot 2500

It has come to the attention of Clackamas County Code Enforcement that multiple inoperable and non-currently licensed vehicle may be present on the above referenced property.

This may constitute a violation of the Solid Waste Code, Title 10.030.060 of the Clackamas County Code.

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

E-mail address is KimBen@clackamas.us
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:

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

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination.

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 MỪNG! Vietnamese

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

환영합니다. Korean

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





March 31, 2025

Violation # V0004825

Richard W Clapp
1931 NE Klickitat St.
Portland, OR 97212

Kathryn S. Watkins
1931 NE Klickitat St.
Portland, OR 97212

Subject: Violation of the Clackamas County Solid Waste and Wastes Management Code Chapter 10.03.060 (A, B, C)

Site Address: 5872 SE Harney Dr., Portland, OR 97206
Legal Description: T1S, R2E, Section 30AA, Tax Lot 02500

In response to a complaint alleging an accumulation of solid waste (inoperable vehicles) an inspector recently conducted an inspection of the subject property.

During this inspection, it was confirmed that there are numerous inoperable and or not currently licensed vehicles on site, 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 that includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, recreational vehicles etc., **no later than April 16, 2025:**

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) excerpt enclosed).

Please be advised that fence screening may not be allowed within the parking lot.

Please remove any remaining solid waste on the subject property that is not a vehicle by completing one or a combination of the following **no later than April 16, 2025**:

1. Remove all putrescible waste, solid waste including but not limited to automotive parts, tires and miscellaneous debris to an authorized disposal facility **and/or**,
2. Place the non-putrescible items that you wish to keep, screened from view either with a code compliant screen or within a code compliant structure for such use.

It is important to note that all putrescible waste must be stored in a rodent-proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of once every seven (7) days. Covering solid waste with a tarp does not remove the items from violation.

If you have any questions, my direct telephone number is 503-742-4457 and my email is kimben@co.clackamas.or.us.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is written over a light gray rectangular background.

Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section

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, and (3) a lien being placed against the subject property for the amount due from citations and fees which will accrue interest.
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 Beaver Creek 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.

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

Excerpts:

10.03.060 Solid Waste or Wastes Accumulation Prohibited

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

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

1. Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.
2. Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semi-trailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.
3. Constructing a tire fence for any purpose.
4. Storing waste tires except as permitted pursuant to OAR Chapter 340.
5. Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight fitting lid, and not removed from the property to an authorized disposal facility within seven (7) days.
6. Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.
7. Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.
8. Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.
9. Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.
10. Storing, collecting, maintaining or displaying any antique, classic, race car or collectible vehicle that is inoperable and is visible from the road or surrounding properties.
11. Storing any inoperable vehicle or vehicles unless said vehicle or vehicles are housed within a permitted structure or development, except up to two vehicles per premise may be stored behind a sight-obscuring screen, in accordance with 10.03.060 C, and shall not be visible from the road or surrounding properties. For purposes of this Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premises.
12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

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

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

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

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

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

10.03.030 Definitions

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

...

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

...

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

Benthin, Kim

From: Benthin, Kim
Sent: Wednesday, March 19, 2025 12:22 PM
To: 'sunstarry7@aol.com'
Subject: FW: 5872 SE Harney Dr Violation file V0004825
Attachments: 25-03-11 Violation Letter V0004825.pdf; SW Definition Excerpts of Code.pdf

Hello Richard,

Thanks for calling! I have attached the violation notice, an excerpt of the Solid Waste and Wastes Management Code to this email.

The link to the entire Solid Waste and Wastes Management Code Chapter 10.03 can be found here:
<https://dochub.clackamas.us/documents/drupal/fa7f57a6-eddc-40ad-a20a-544877eda973>

Your garbage and recycling company is Hoodview Disposal & Recycling. 503-668-8300
If you wish to follow up with the County regarding your service concerns you may contact them here:
Phone: 503-557-6363 Email: wasteinfo@clackamas.us

Let me know if you have any questions!

Kimberly Benthin, Code Enforcement Specialist
Clackamas County Department of Transportation and Development
Code Enforcement
150 Beaver Creek Road, Oregon City, OR 97045
Primary phone: 503.742.4457
Hours: M-F from 7:00 a.m. until 4:30 p.m.
Lobby hours 8 a.m. to 4 p.m. Monday to Thursday
www.clackamas.us

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Citation No. 2500048-1

Case No. V0004825

ADMINISTRATIVE CITATION

Date Issued: June 17, 2025

Name and Address of Person(s) Cited:

Name: Richard W. Clapp
Name: Kathryn S. Watkins
Mailing Address: 1931 NE Klickitat St.
City, State, Zip: Portland OR 97212

Date Violation(s) Confirmed: On the 12th day of June, 2025, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 5872 SE Harney Dr., Portland, OR 97206

Legal Description: T1S, R2E Section 30AA, Tax Lot 02500

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
- Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section
- Other law: _____

Description of the violation(s):

- 1) The subject property was found to have at least 4 inoperable and/or not currently licensed vehicles. There also remain miscellaneous debris under tarps to the south of the structure, and items are also stored underneath one of the white box vans.

Maximum Civil Penalty \$1,500.00

Fine \$300.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$300.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by: Kimberly Benthin
Telephone No.: 503-742-4457

Date: June 17, 2025
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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 # : V0004825







Benthin, Kim

From: Benthin, Kim
Sent: Wednesday, August 27, 2025 11:21 AM
To: 'sunstarry7@aol.com'
Subject: 5872 SE Harney Dr
Attachments: 25-03-11 Violation Letter V0004825.pdf; 25-06-17 Cite 2500048-1.pdf; 20250827112118015.pdf

Hello Mr. Clapp,

Here are the documents.

Kimberly Benthin, Code Enforcement Specialist
Clackamas County Department of Transportation and Development
Code Enforcement
150 Beaver Creek Road, Oregon City, OR 97045
Primary phone: 503.742.4457
Hours: M-F from 7:00 a.m. until 4:30 p.m.
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