



NOTICE OF HEARING

June 4, 2025

Robert Bain and Krista Brandtner
17180 SE Stratford Ave
Milwaukie, OR 97267

RE:: County of Clackamas v. Robert Bain and Krista Brandtner
File: V0016425

Hearing Date: June 24, 2025

Time: This hearing will begin at 1:30 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 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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. 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 Clackamas County Code Enforcement at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing.** Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

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

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

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

Zoom invite

Topic: Code Enforcement Hearing - Robert Bain & Krista Brandtner - V0016425 - June 24 - 1:30 pm

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/85471618406?pwd=EdRaR22d3DU4AK1qkNaUO2lvCBA59M.1>

Passcode:933260

Phone one-tap:

+12532158782,,85471618406#,,,,*933260# US (Tacoma)

+13462487799,,85471618406#,,,,*933260# 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



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+1 253 205 0468 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
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
Webinar ID: 854 7161 8406
Passcode: 933260
International numbers available: <https://clackamascounty.zoom.us/j/85471618406>

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)
206.247.11.121 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
159.124.15.191 (Amsterdam Netherlands)
159.124.47.249 (Germany)
159.124.104.213 (Australia Sydney)
159.124.74.212 (Australia Melbourne)
170.114.180.219 (Singapore)
64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
159.124.196.25 (Canada Vancouver)
170.114.194.163 (Japan Tokyo)
147.124.100.25 (Japan Osaka)
Meeting ID: 854 7161 8406
Passcode: 933260
SIP: 85471618406@zoomcrc.com
Passcode: 933260

Department of Transportation and Development

Nondiscrimination Policy:

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

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

환영합니다. Korean

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

On or about the 30th day of January, 2025, and on or about the 22nd day of April, 2025, the Respondents violated the following laws, in the following ways:

Respondents violated the Clackamas County Code Chapter 7.03.090 (A, B) by allowing overgrown vegetation along the south property line to encroach the roadway and restrict sight distance to drivers and causing a hazard for travelers. This violation is a Priority 1 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 dated January 30, 2025 and Administrative Citation #2500164-1. A copy of the notice documents are attached to this Complaint as Exhibits B and E respectively, and incorporated by this reference.

6.

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

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

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for the Chapter 7.03 Priority 1 violation being \$750.00 to \$3,500.00 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 3rd day of June, 2025.

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

Kimberly Benthin
Code Enforcement Specialist
For Clackamas County

CLACKAMAS COUNTY,

Petitioner,

v.

ROBERT P. BAIN and
KRISTA M. BRANDTNER ,

Respondents.

File No.: V0016425

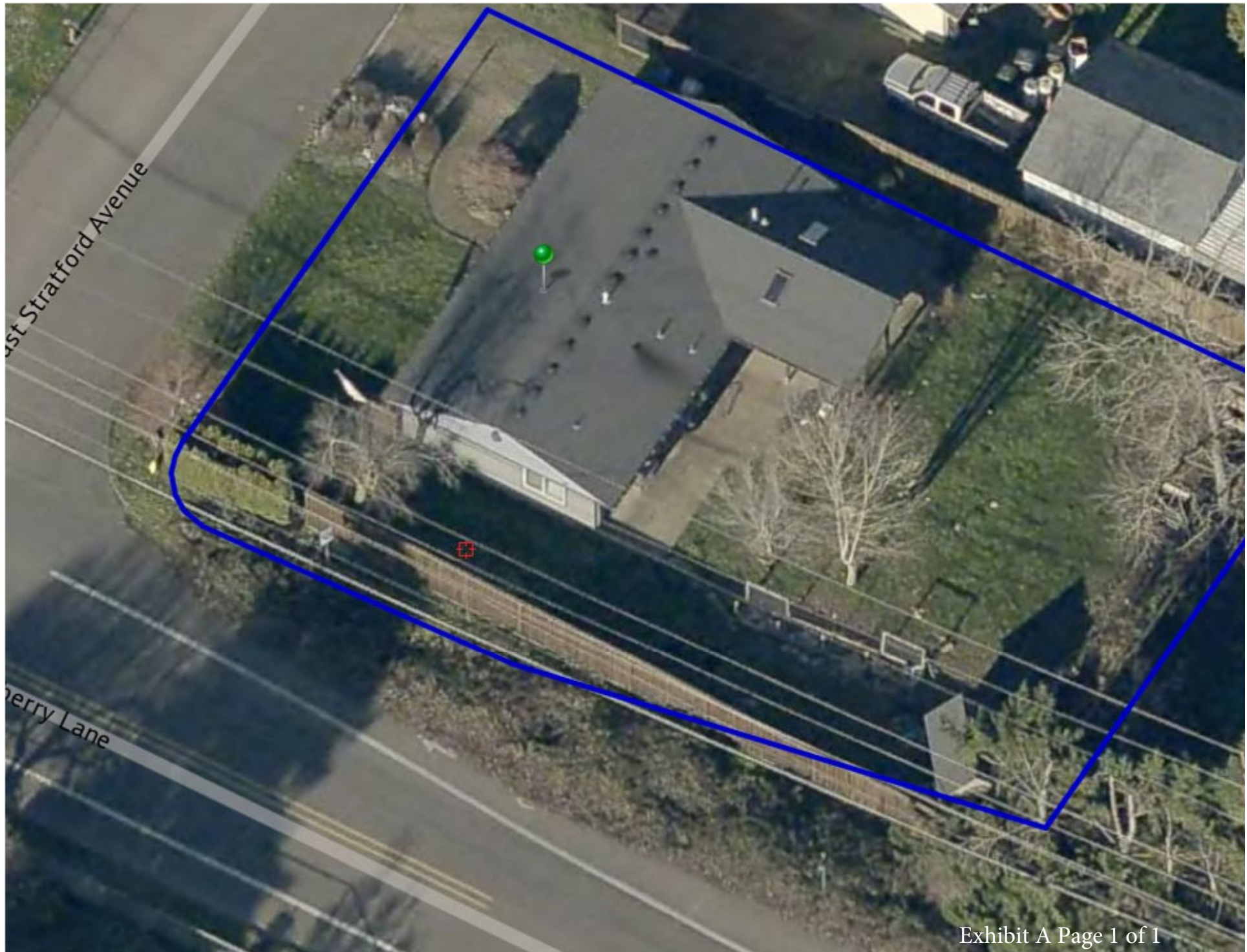
STATEMENT OF PROOF

History of Events and Exhibits:

January 28, 2025 Exhibit A	Clackamas County Road Maintenance discovered overgrown vegetation on the south property line of the subject property restricting sight distance for drivers turning from SE Stratford Ave onto SE Strawberry Ln, and causing a hazard for pedestrians.
January 30, 2025 Exhibit B	Correspondence was mailed to the Respondents requesting compliance.
February 24, 2025 Exhibit C	Correspondence was mailed to the Respondent requesting compliance.
April 1, 2025 Exhibit D	Clackamas County Engineering Technician (ET) Luke Snowley performed a site inspection and took photos.
April 22, 2025 Exhibit E	Citation # 2500164-1 was issued for the Road Use violation. It was mailed first class. The mail was not returned. This citation has not been paid.
May 22, 2025 Exhibit F	ET Snowley performed an inspection and found the violation remained and the growth of the vegetation had increased.
June 3, 2025	The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of Road Use Chapter 7.03 exists on the subject property, the County would requests a Final Order be issued with the following recommendations:

- Payment of Citation # 2500164-1 of \$500.00.
- The imposition of civil penalties of \$3,500.00.
- The administrative compliance fee to be imposed from January 30, 2025 for a total of \$300.00.
- 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 Respondents 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)





DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

January 30, 2025

BAIN ROBERT P & KRISTA M BRANDTNER
17180 SE STRATFORD AVE
MILWAUKIE, OR 97267

SUBJECT: Violation Notice of Clackamas County Code, Section 7.03.090 and
Clackamas County Roadway Standards, Section 240

SITE ADDRESS: 17180 SE STRATFORD AVE , MILWAUKIE, OR 97267

LEGAL DESCRIPTION/TAXLOT: 1446 WILSHIRE CT LT 8

VIOLATION REF # 62510

Dear Property Owner:

Clackamas County is dedicated to keeping our community safe and healthy, and we truly value your role in helping us achieve this goal. Our County Code and Roadway Standards are designed to maintain a safe environment for everyone. Your cooperation in addressing the following issues is greatly appreciated and will make a positive difference for you and your neighbors.

Thank you in advance for your efforts and dedication to enhancing safety for everyone in the area.

This Violation Notice is being issued because conditions exist on your property that are currently in violation of ***Clackamas County Code, Section 7.03.090 and Clackamas County Roadway Standards, Section 240***. These code sections prohibit road impediments, inadequate intersection sight distance and inadequate vertical clearance over sidewalks and roadways.

A field inspection by county staff on January 28th, 2025, indicated that the following conditions currently exist:

- **Violation:** Overgrown vegetation on your south property line next to SE Strawberry Ln
- **Cause for violation:** This vegetation is restricting sight distance to drivers turning from SE Stratford Ave on to SE Strawberry Ln and causing a hazard for pedestrians.

The following corrections are required to satisfy the referenced section of the County Code:

- **Trim hedge:** In order to mitigate the sight restriction to drivers and encroachment upon SE Strawberry Ln please cut back all vegetation behind the edge of road and shoulder of road.

The following documentation is copied from the above referenced section of the Clackamas County Code which states:

7.03.090 Road Use Impediments – Prohibited Activity

A. Potential Hazards – No person shall allow any of the following things to exist on any portion of the road right-of-way that abuts property s/he owns or occupies, including sidewalks, if it could create a potential hazard in the opinion of the Road Official:

1. Earth;
2. Rock;
3. Vegetation;
4. Structures;
5. Objects;
6. Debris;
7. Anything that may cause a potential hazard to the public in their use of a sidewalk, including, but not limited to:
 - a. Vertical displacements on the surface;
 - b. Cracks or disrepair.

B. Visual Impediments to Safe Road Use – No person shall allow any of the following things to exist on or in the road right-of-way, including intersecting corners, that abuts property s/he owns or occupies, or on property that abuts a road, or in the airspace above a road, if the thing obstructs the view necessary for safe operation of motor vehicles upon the road, or if it causes potential danger to the public that uses the road:

1. Trees;
2. Shrubs;
3. Hedges;
4. Any vegetation;
5. Projecting overhanging limbs of vegetation;
6. Temporary or permanent structures;
7. Fences;
8. Berms;
9. Natural or man-made objects.

Please be advised that it is the responsibility of the property owner to trim, remove and/or maintain the subject vegetation to a condition that is in compliance with the *Clackamas County Code*. Upon notification to the property owner that a hazard exists, the owner is legally liable for damages resulting to any person or property.

Due to the nature of the situation, you are required to complete the aforementioned work within **14 days** from the date of this letter. Please contact me at 503-742-4780 or lsnowley@clackamas.us when the requested work has been completed so that I can inspect it.

Alternatively, I would be happy to meet with you on site to discuss this matter and indicate which vegetation will need to be trimmed.

I am hopeful that you will understand the nature of this issue and address this safety issue as soon as possible. If you have any questions or believe this letter to be sent in error, please feel free to contact me.

The referenced sections of the *Clackamas County Code* are available online
<http://www.clackamas.us/code/>

Again, we appreciate and thank you in advance for your willingness to improve the safety of your neighborhood for you and your neighbors.

Best regards,

Luke Snowley
Engineering Technician
503-742-4780

Clackamas County is committed to providing access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request.

503-742-4696: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

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.**
 - ❖ **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.**
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. **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.
6. **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.
7. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.





DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 24, 2025

BAIN ROBERT P & KRISTA M BRANDTNER
17180 SE STRATFORD AVE
MILWAUKIE, OR 97267

SUBJECT: Violation Notice of Clackamas County Code, Section 7.03.090 and
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LEGAL DESCRIPTION/TAXLOT: 1446 WILSHIRE CT LT 8

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2. Shrubs;
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Luke Snowley
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503-742-4780

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5. **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.
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7. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.







Citation No. 2500164-1

Case No. V0016425

ADMINISTRATIVE CITATION

Date Issued: April 22, 2025

Name and Address of Person(s) Cited:

Name: Robert P. Bain & Krista M. Brandtner
Mailing Address: 17180 SE Stratford Ave
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 28th day of January, 2025, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 17180 SE Stratford Ave., Milwaukie, OR 97267

Legal Description: T2S, R2E Section 16BB, Tax Lot 03206

Law(s) Violated

- ☒ Chapter 7.03 of Clackamas County Code, Road Use, Section 7.03.090 (A,B)
- ☐ 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) Allowing overgrown vegetation along the south property line to encroach the roadway and restrict sight distance to drivers turning from SE Stratford Ave onto SE Strawberry Lane, a road with centerline stripes and causing a hazard for travelers.

Maximum Civil Penalty \$3,500.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. 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: April 22, 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 # : V0016425

