



NOTICE OF RESET HEARING

October 6, 2025

Cassius LLC
29450 SE Lariat Ln.
Boring, OR 97009

RE:: County of Clackamas v. Cassius LLC
File: V0049121

Hearing Date: November 13, 2025

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

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

Enclosed you will find the following:

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

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

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

You may contact 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 aaronshelley67@gmail.com A copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist.

If you would like to present evidence at the Hearing please email 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 number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

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

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

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

Zoom Invite:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/89745301514?pwd=BRVcDXlgOObaIp5uqfbZDQSMfeXEMo.1>

Passcode:088501

Phone one-tap:

+17193594580,,89745301514# US

+12532050468,,89745301514# US

Webinar ID: 897 4530 1514

Passcode: 088501

Join via audio:

+1 719 359 4580 US

+1 253 205 0468 US

+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)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

Department of Transportation and Development

Nondiscrimination Policy:

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

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

환영합니다. Korean

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

BEFORE THE COMPLIANCE HEARINGS OFFICER
For
COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

Petitioner,

v.

CASSIUS LLC,

Respondent.

File No: V0049121

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 29450 SE Lariat Lane, Boring OR
97009.

2.

The Respondent owns the address or location of the violation of law
alleged in this Complaint 29225 SE Haley Rd, Boring, OR 97009 also known as T1S,
R4E, Section 31A, Tax Lot 00700, and is located in Clackamas County, Oregon. The
property is zoned Exclusive Farm Use Section 401, of the Zoning and Development
Ordinance and is the location of violation asserted by the County.

3.

On or about the 21st day of October, 2024 and on or about the 4th day of
December, 2024, the Respondent violated the following laws, in the following ways:

Respondent violated Chapter 9.02 of the Clackamas County Code Application and Enforcement of the Clackamas County Building Code Section 9.02.040 by placing two cargo (shipping) containers on site without proper permitting or inspections.

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 Respondent in the following manner: Violation Notice dated October 21, 2024 and Administrative Citation #210491-1. A copy of the notice documents are attached to this Complaint as Exhibits E and I 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 Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for the Priority 4 violation being \$100.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

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; and

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

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

DATED THIS 24th day of September, 2025.



Kimberly Benthin
Code Enforcement Specialist
For Clackamas County

CLACKAMAS COUNTY,

Petitioner,

v.

CASSIUS LLC,

Respondent.

File No.: V0049121

STATEMENT OF PROOF

History of Events and Exhibits:

October 6, 2021
Exhibit: A, B

Clackamas County received a complaint regarding excavation, the setting of water or drainage lines and the placement of 2-40' cargo containers. The ownership of the property is a Domestic Limited Liability Company registered with the State of Oregon.

November 23, 2021
Exhibit: C

Correspondence was mailed to the Respondent regarding the alleged Building Code violations.

November 26, 2021
Exhibit: D

A review of Facebook posts revealed the use of the cargo container as signage on the subject lot.

October 10, 2024

Respondent's consultant Dale Burkholder contacted the County and spoke with Code Enforcement Specialist (CES) Kimberly Benthin regarding the violation file on this property. He stated he is prepping it for sale for the owner and wanted to know how to resolve the violations.

October 21, 2024
Exhibit: E

A Notice of Violation was mailed regarding the Violations on the subject property. The Notice of Violation was mailed by first class mail to the Respondent providing a deadline of November 21, 2024 to resolve the violation.

October 21, 2024
Exhibit: F

A copy of the notice was emailed to Mr. Burkholder.

November 12, 2024	Mr. Burkholder and CES Benthin spoke by phone. Mr. Burkholder stated that the signs were removed some time ago and they checked the Zoning and Development Ordinance and do not see any reason why the cargo containers can't be on site. CES Benthin explained it may or may not be a zoning violation depending on the use, but it is a Building Code violation. Mr. Burkholder asked for the specific code and CES Benthin offered to email information on the requirements for cargo containers
November 12, 2024 Exhibit: G	CES Benthin emailed Mr. Burkholder the options for resolving the violation and attached an informational memo from the Clackamas County Building Codes Division for policies and procedures related to Cargo (shipping) containers.
December 4, 2024 Exhibit: H	CES Benthin performed a site inspection and found the cargo containers remain on site and stacked.
December 9, 2024 Exhibit: I	Citation #210491-1 issued for the building code violation sent via first class mail. The first class mail was not returned. This citation was amended and mailed on June 10, 2025.
December 18-30 th 2024 Exhibit: J	Dan Barton Operations Manager for Mt Hood Center exchanged emails with CES Benthin regarding the codes and paths to compliance.
January 16, 2025 Exhibit: K	Mr. Aaron Shelley emailed CES Benthin with questions regarding compliance with the stacked cargo containers and information regarding gaining compliance with ODOT and signage on the containers.
January 21, 2025 Exhibit: L	CES Benthin responded to Mr. Shelley's questions and provided documents that had been sent to Consultant Dale Burkholder and Operations Manager Dan Barton.
January 23, 2025 Exhibit: M	Mr. Shelley responded to the January 21 st email. He and CES Benthin exchanged emails regarding exemptions and requirements for building permits.
January 27, 2025 Exhibit: N	CES Benthin responded to Mr. Shelley's email and provided clarification on the building codes exemptions.
April 14, 2025 Exhibit: O	Code Enforcement Specialist Jennifer Kauppi performed an inspection of the stacked cargo containers.

June 13, 2025	The County referred this matter to the Code Enforcement Hearings Officer. The hearing was set for July 10, 2025.
June 25, 2025	The hearing was reset to July 22, 2025.
July 10, 2025 Exhibit: P	CES Benthin performed a site inspection and found the containers remained on site and stacked.
July 16, 2025 Exhibits: 1-12	Registered Agent Aaron Shelley sent an email response to the Compliance Hearings Officer with attached documents to the citation received.
July 21, 2025 Exhibit: Q	CES Jennifer Kauppi performed a site inspection and found the cargo containers were no longer on site.
July 21, 2025 Exhibit: R	Emails were sent to the Respondent and the Compliance Hearings Officer to cancel hearing the hearing because the violation was abated.
September 3, 2025 Exhibit: S	A bill was mailed to the Respondent for the \$600.00 administrative compliance fees due.
September 6, 2025 Exhibit: T	Registered Agent Aaron Shelley sent a letter by first class mail and by email to Senior Code Enforcement Specialist (SCES) Andrea Hall a request to waive and remove the administrative compliance fee.
September 8, 2025 Exhibit: U	SCES Andrea Hall and Registered Agent Aaron Shelley exchanged emails and confirmed Mr. Shelley's request for a hearing.

If the Hearings Officer affirms the County's position that a violation of the Building Code exists on the subject property, the County would request a Final Order be issued.

The County recommends the following:

- The imposition of civil penalties from \$750.00 to \$1,000.00 for the date cited for citation # 210491-1-Amended.
- The administrative compliance fee of \$75.00 to be imposed from November 2024 to June 2025 for a total of \$600.00.
- The County requests authorization for further enforcement action including to proceed to Circuit Court.

- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expense the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)



Business Registry Business Name Search

[New Search](#)

Business Entity Data

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal
1538000-90	DLLC	INA	OREGON	03-19-2019	
Entity Name	CASSIUS, LLC				
Foreign Name					

[New Search](#)

Associated Names

Type					Country	
PPB	PRINCIPAL PLACE OF BUSINESS					
Addr 1	29225 SE HALEY RD					
Addr 2						
CSZ	BORING	OR	97009		UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type				Start Date	Residence
AGT	REGISTERED AGENT			01-29-2025	
Name	AARON		SHELLEY		
Addr 1	29450 SE LARIAT LN				
Addr 2					
CSZ	BORING	OR	97009		UNITED STATES OF AMERICA

Type					Country	
MAL	MAILING ADDRESS					
Addr 1	29450 SE LARIAT LN					
Addr 2						
CSZ	BORING	OR	97009		UNITED STATES OF AMERICA	

Type					Country	
MEM	MEMBER					
Name	DEAN		NAJDAMI			
Addr 1	29225 SE HALEY RD					
Addr 2						
CSZ	BORING	OR	97009		UNITED STATES OF AMERICA	

Exh

Type	MGR	MANAGER				Res
Name	AARON		SHELLEY			
Addr 1	29450 SE LARIAT LN					
Addr 2						
CSZ	BORING	OR	97009		Country	UNITED STATES OF AMER

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Sta
CASSIUS, LLC	EN	CUR	03-

Please [read](#) before ordering [Copies](#).

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change
	ADMINISTRATIVE DISSOLUTION	05-15-2025		SYS	
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	01-29-2025		FI	Agent
	REINSTATEMENT AMENDED	07-15-2024		FI	
	ADMINISTRATIVE DISSOLUTION	05-16-2024		SYS	
	AMENDED ANNUAL REPORT	04-07-2023		FI	
	AMENDED ANNUAL REPORT	04-18-2022		FI	
	AMENDED ANNUAL REPORT	03-03-2021		FI	
	REINSTATEMENT AMENDED	10-28-2020		FI	
	ADMINISTRATIVE DISSOLUTION	05-21-2020		SYS	
	ARTICLES OF ORGANIZATION	03-19-2019		FI	Agent

RECORDING COVER SHEET

(Per ORS 205.234 or ORS 205.244)

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this cover sheet do not effect the Transaction(s) contained in the instrument itself

Clackamas County Official Records
Sherry Hall, County Clerk

2019-016277

03/29/2019 08:51:04 AM

D-D Cnt=1 Str=53 CINDY
\$30.00 \$16.00 \$10.00 \$62.00

\$118.00

After recording return to:

**Cassius LLC
29450 SE Lariat
Boring, OR 97009**

FATCO NO. 3207140-6R

- 1) **Title(s) of Transaction(s)** ORS 205.234(a)
Statutory Warranty Deed
- 2) **Direct Party/Grantor(s)** ORS 205.125(1)(b) and ORS 205.160
Matthew Brown
- 3) **Indirect Party/Grantee(s)** ORS 205.125(1)(a) and ORS 205.160
Cassius LLC, an Oregon limited liability company
- 4) **True and Actual Consideration** ORS 93.030
\$200,000.00
- 5) **Send Tax Statements to:**
n/c

: If this box is checked, the below applies:

If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "Rerecorded at the request of First American Title to correct the legal description. Previously recorded as Fee Number 2019-015335."

(Legal description if corrected is attached to included certified document of the original.)



After recording return to:
Cassius LLC
29450 SE Lariat
Boring , OR 97009

Until a change is requested all tax
statements shall be sent to the
following address:
Cassius LLC
29450 SE Lariat
Boring , OR 97009

File No.: 7012-3207140 (BB)
Date: March 15, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records **2019-015335**
Sherry Hall, County Clerk
03/25/2019 11:24:00 AM
D-D Cnt=1 Stn=7 BARBARA
\$15.00 \$16.00 \$10.00 \$62.00 **\$103.00**

FIRST AMERICAN 3207140-52

STATUTORY WARRANTY DEED

Matthew Brown, Grantor, conveys and warrants to **Cassius LLC, an Oregon limited liability company** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See attached Exhibit A

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$200,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 22 day of March, 2019.

Matthew Brown

Matthew Brown

STATE OF Oregon)
County of Clackamas) ss.

This instrument was acknowledged before me on this 22 day of March, 2019 by **Matthew Brown**.

Barbara Jean Brayson

Notary Public for Oregon
My commission expires:

4-6-19

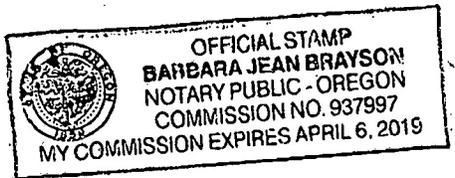


EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

A TRACT OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE EAST ALONG THE NORTH SECTION LINE TO THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE SOUTH 45° 23' WEST TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE MT. HOOD HIGHWAY (AS NEWLY RELOCATED); THENCE NORTHWESTERLY ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SAID MT. HOOD HIGHWAY TO ITS INTERSECTION WITH THE CENTER SECTION LINE OF SAID SECTION 31; THENCE NORTH ALONG SAID SECTION LINE TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PORTION LYING WITHIN PUBLIC ROADS.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

STATE OF OREGON }
COUNTY OF CLACKAMAS } ss.

I, SHERRY HALL, County Clerk of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of

Deed Record
2019-015335 3 pages

has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the name appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

this 26 day of

March, 2019.

SHERRY HALL, Clerk

By: Alexis D. Hyman
Deputy



EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

Part of the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows: All that part of the Northwest quarter of the Northeast quarter of Section 31, which lies Southwest of the Mt. Hood Highway and Northwest of the relocated Brown (Haley) Road, as described in Final Judgment filed February 15, 1963, Case No. 56972, Clackamas County Circuit Court.



November 23, 2021

Cassius LLC
29450 SE Lariat Ln
Boring, OR 97009

Dean Najdawi - Registered Agent
29450 SE Lariat Ln
Boring, OR 97009

Subject: Alleged Violation of the Building Code, Chapter 9.02.040 of the Clackamas County Code

Site Address: 29225 SE Haley Rd, Boring OR 97009
Legal Description: T1S, R4E, Section 31A, Tax Lot 00700

It has come to the attention of Clackamas County Code Enforcement that underground water lines and placement of cargo containers may have been placed without the benefit of permits.

This may constitute a violation of the Building Code, Chapter 9.02.040 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, 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.

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Mt Hood Center is at Mt Hood Center.

October 28 at 4:09 PM · Boring, OR · 🌐



Now you definitely can't miss us on highway 26 🙌👉



164

19 Comments 1 Share

Exhibit D Page 1 of 1



October 21, 2024

Violation File No.# V0049121

Cassius LLC
Dean Najdawi, Registered Agent
29450 SE Lariat Ln
Boring OR 97009

Dale Burkholder
VIA email

**Subject: Violations of the Clackamas County Building Code Title 9
Chapter 9.02.040(A) and Zoning and Development Ordinance Section
1010.02 (B,C) 1010.05 and 401.**

Site Address: 29225 SE Haley Rd, Boring, OR 97009

Legal Description: T1S, R3E, Section 31A, Tax Lot 00700

This is in follow up to a telephone conversation with Dale Burkholder on October 10th, 2024 regarding bringing the above referenced property into compliance.

The building code requirements and the need for permits and inspections for the stacked cargo containers were discussed. The signs painted on the side of the containers are a zoning violation, as well as a concern of ODOT's.

The stacked cargo container sign is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code, and the Zoning and Development Ordinance Sections 1010.02 (B,C) 1010.05 and 401.

In order to abate the violations, please complete one of (or a combination of) the following options **not later than November 21, 2024:**

- Please submit, or have your professional submit, building permit application(s), appropriate fees(s) and all construction documents of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building code and relevant laws:
 - Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Or:

- Remove the Cargo Containers from the property.

Submitted permit documents will be subject to the review and approval of the Planning and Zoning Division. The construction and use must meet the requirements and standards of the zoning district applied to the subject property. For instance, if the cargo containers are to remain the painted signs will require land use authorization or need to be removed. If you have questions please contact: Planning and Zoning Division at 503-742-4500 or zoninginfo@clackamas.us.

For information on the permitting process please refer to the County's website at <https://www.clackamas.us/development-direct>.

If you have questions concerning the building permit requirements or the submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us. You may also find information on the County's website at <https://www.clackamas.us/building>. You may visit the County's offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday, to Thursday. The building is closed to the public on Fridays, but we are available online and by phone. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

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



Kimberly Bentin
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.
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.

Benthin, Kim

From: Benthin, Kim
Sent: Monday, October 21, 2024 1:24 PM
To: 'Dale Burkholder'
Subject: 29225 SE Haley Rd File # V0049121
Attachments: 24-10-21 Vio letter V0049121.pdf

Dale,

Here is the notice for the Haley Rd property. It went into the mail today. I imagine it is possible for the weather to delay the use of the crane – please let me know if you have scheduled the crane. I can accommodate the crane’s schedule – but only if I am notified ahead of the deadline.

Thanks,

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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Benthin, Kim

From: Benthin, Kim
Sent: Tuesday, November 12, 2024 3:22 PM
To: Dale Burkholder
Subject: Shipping Cargo Container info 29225 SE Haley Rd Violation File #V0049121
Attachments: Cargo Container used as accessory structures .pdf

Dale,

Per our phone conversation I have attached information for the application and requirement of permits for cargo containers. The memo is aged. LOL! But it is still accurate and being used by the Building Department.

These are the options for abating the building code violations at 29225 SE Haley Rd:

1. Obtain a building permit for them as they sit stacked.
2. Remove the shipping/cargo containers.
3. Apply for an agricultural exemption.
4. If they are not stacked and both sitting on the ground – they would be exempt from the building code.

For the agricultural exemption paperwork – they ask for some sort of evidence of the agricultural use on the property.

And of course – they can't be signs.

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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Building Codes Division

Policies and Procedures

POLICY NUMBER: 07-01

SUBJECT: Cargo (Shipping) Containers used as Accessory Structures

CODE EDITION: 2007 Oregon Structural Specialty Code
2008 Oregon Residential Specialty Code

EFFECTIVE DATE: June 1, 2007

CODE SECTION: OSSC Section 301.1
ORSC Section R101.2

ISSUE: Question: Can cargo containers be installed on properties and used as accessory structures?

Response: Yes, under certain conditions, cargo containers may be used in residential, multi-family residential, commercial and industrial zones as accessory structures. Under the provision of this guide, semi-truck trailers are not considered cargo containers.

POLICY: Cargo containers stacked on top of each other or used for habitable spaces, as listed below, must be evaluated on a case-by-case basis and must meet the requirements of either the Oregon Structural Specialty or the Oregon Residential Specialty Code, as applicable, for a site built structure. For the purpose of this guide, habitable space includes the following:

1. Containers used as shops, studios, hobby rooms, offices, lunch rooms, sales areas, playhouses or other similar uses;
2. Containers used as storage of motorized passenger vehicles, or
3. Containers with plumbing or electrical power or lighting.

For cargo containers used as storage and not used as habitable space as listed above or classified as a High-Hazard Group H occupancy, Clackamas County will approve the installation of cargo containers as accessory structures, under

the conditions listed below. Unless otherwise noted, the following requirements apply to all cargo containers used as accessory structures:

1. Occupancy Classification. Cargo containers shall be classified as follows:

- a. Containers used accessory to one or two family dwellings: Group U occupancies.
- b. Containers used accessory to commercial facilities: Group S, Division 1 occupancies.

2. Planning and Zoning. Containers must meet all applicable use and development regulations of the Zoning Code. Regulations such as building setbacks, building lot coverage and overlay zones may affect where and if a container can be placed on a specific property. Please contact Planning and Zoning staff for site specific regulations by either calling the general zoning help line at 503-742-4500 or by visiting the Development Services Building.

3. Building Permits.

- a. Building permits for containers are required as follows:

1) Containers used accessory to one or two family dwellings.

Containers greater than 200 square feet in area or greater than ten feet in height, measured from the adjacent grade to the highest point on the container, require a building permit. Containers 200 square feet in area and less than ten feet in height, measured from the adjacent grade to the highest point on the container, do not require a building permit. ORSC Section R105

2) Containers used accessory to commercial buildings.

a) Except as noted in b) below, a building permit is required to install containers accessory to commercial structures.

b) Containers that are used by a contractor for storage of construction materials on a site that has a valid building permit and which remain on the site only for the duration of the construction activity are not required to obtain a building permit.

(1) Such containers shall be located on the site for which a building permit has been issued or on a site immediately adjacent to the site of the construction activity which has been approved for use by the contractor as a staging area.

(2) The containers shall be removed from the site not later than thirty (30) days after the building permit for the construction has received final inspection.

Exemption from the permit requirements does not exempt the structure from compliance with the requirements of this guide or the zoning code.

- b. More than one container may be installed under a single permit provided the installation of each container is in compliance with the

installation requirements of this guide and the entire installation complies with the requirements of the zoning code. Contact Planning at 503-353-4500 and Building Dept at 503-353-4739.

- c. Permit documentation shall include a site plan, a floor plan of each container to be installed and any details required to demonstrate compliance with the installation requirements outlined in this guide.
- d. Fees for permits shall be calculated based on a valuation that includes the cost of the container(s) and the cost to install the container(s) including any site work necessary to prepare the site for the container(s).

4. Specific Design Requirements

- a. **Foundations and Tie Downs.** Where containers are placed on firm, level, undisturbed natural grade or on an existing paved parking area or storage yard, anchor tie downs or permanent foundations are not required.
- b. **Ventilation.** Containers used for storage only need not be provided with additional ventilation.

- c. **Egress.**

- 1) **Doors.** Containers shall be provided with an egress door not less than 3 feet wide by 6 feet, 8 inches high. The standard doors that the containers are equipped with may qualify as the required egress door provided they meet the minimum size requirement as stated above and provided they are equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied.

- 2) **Thresholds and Landings.**

- a) **Containers used accessory to one or two family dwellings.**

- Provided a container is used only for storage of materials belonging to the dwelling owner or tenant of the residence that the container is accessory to, threshold height and landings at doors for containers need not comply with the one and two family dwelling code requirements.

- b) **Containers used accessory to commercial buildings.**

- Threshold height and landings at doors for containers need not comply with the building code requirements.

- d. **Drainage.** Containers up to a maximum of 320 square feet of roof area are not required to be provided with gutters or downspouts or other storm water collection system provided the sheet flow of storm water from the container is contained on site and not allowed to encroach on adjacent property or public right of way.

This policy is based on the City of Portland's Code Guide: Special Construction – IBC/3/#1 and IRC/1/#2, Code Guide Bureau of Development Services, revised April 3, 2006.





Citation No. 210491-1

Case No. V0049121

ADMINISTRATIVE CITATION

Date Issued: December 9, 2024

Name and Address of Person(s) Cited:

Name: Cassius LLC, Dean Najdawi, Registered Agent
Mailing Address: 29450 SE ,Lariat Ln,
City, State, Zip: Boring, OR 97009

Date Violation(s) Confirmed: On the 21st day of October, 2024, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 29225 SE Haley Rd, Boring OR 97009
Legal Description: T1S, R4E Section 31A, Tax Lot(s) 00700

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, (A , E)
- 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 401
- Other law: _____

Description of the violation(s):

- 1) Two cargo (shipping) containers have been placed on site without proper permitting and inspections, and without an agricultural exemption.

Maximum Civil Penalty \$1,000.00

Fine: This is not subject to fine amount.

You may avoid paying the civil penalty by abating the violations. If you have questions regarding how to abate the violations 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: December 9, 2024
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
Clackamas County Code Enforcement Section
150 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 # : V0049121



Citation No. 210491-1- Amended-

Case No. V0049121

ADMINISTRATIVE CITATION

Amended¹

Date Issued: December 9, 2024

Name and Address of Person(s) Cited:

Name: Cassius LLC, Dean Najdawi, Registered Agent
Mailing Address: 29450 SE Lariat Ln,
City, State, Zip: Boring, OR 97009

Date Violation(s) Confirmed: On the ~~21st day of October, 2024~~, **4th day of December, 2024** the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 29225 SE Haley Rd, Boring OR 97009
Legal Description: T1S, R4E Section 31A, Tax Lot(s) 00700

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, (A , E)
- 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 401
- Other law: _____

Description of the violation(s):

- 1) Two cargo (shipping) containers have been placed on site without proper permitting and inspections, and without an agricultural exemption.

Maximum Civil Penalty \$1,000.00

Fine: This is not subject to fine amount.

You may avoid paying the civil penalty by abating the violations. If you have questions regarding how to abate the violations 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: December 9, 2024
Department Initiating Enforcement Action: Code Enforcement

¹ This Amended Administrative Citation corrects an inadvertent date. Changes are denoted by boldface type.

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.

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

- a. Your name and address;
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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 # : V0049121

¹ This Amended Administrative Citation corrects an inadvertent date. Changes are denoted by boldface type.

Benthin, Kim

From: Benthin, Kim
Sent: Monday, December 30, 2024 3:18 PM
To: 'Dan'
Subject: RE: Case v0049121

29225 SE Haley Rd

Hello Dan,

It is not the building permit code that determines what uses occur on the property – it is the Zoning and Development Ordinance.

So, the containers could be placed on site if they were accessory to an approved use in the zoning district - such as farming.

If they are unstacked and placed on the ground and they are under 200sqft and under 15 feet in height – they do not require building permits.

Kimberly Benthin
503-742-4457
Clackamas County

From: Dan <operations@mthoodcenter.com>
Sent: Monday, December 30, 2024 1:29 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: Case v0049121

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

Thank you for the information, like I said previously we are working to have these containers unstacked and removed. I do have a question, under permitting guidelines are we able to still have the containers on that property unstacked and used for owner storage of personal items?

Thanks,
Dan

On Dec 19, 2024, at 4:20 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Dan,

I am not certain how this property is related to the Mt Hood Center? I know it once had the Mt Hood Center sign on the containers, but this is a different ownership.

The October 21, 2024 letter that was sent to Cassius LLC referenced Clackamas County Clackamas County Building Code Title 9 Chapter 9.02.040(A) and Zoning and Development Ordinance Section 1010.02 (B,C) 1010.05 and 401.

I do not know what you are referring to when you state: “replied to this with documentation”? I am not aware of any documentation being provided regarding the signage on the containers.

The citation is only addressing the Building Code Violation.

I have attached the Clackamas County Building Codes memo on cargo/shipping containers used as accessory structures to this email, hopefully you will find it helpful.

The path to compliance for the cargo containers is:

1. Permitting or
2. Submittal of an agricultural exemption. Or
3. Removal.

It is also possible for the structures to be exempt from permitting without an agricultural use. However, the structures do not meet the parameters for exemption at this time. I have included the exemptions with this email for your review. The containers do not meet the exemptions because of height and the stacking.

If you want additional details on permitting requirements or agricultural exemption submittals, you may contact the Building Codes Division at bldservice@clackamas.us or 503-742-4240

Let me know if you have any additional questions. I’m happy to help.

Kimberly Benthin
503-742-4457
Clackamas County

From: Dan <operations@mthoodcenter.com>
Sent: Wednesday, December 18, 2024 4:54 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Case v0049121

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

Hi Kim,

We haven’t met yet, but I am the operations manager for the Mt Hood Center and I have been working with Aaron to try and get things all dialed in so that we are in compliance.

I am emailing you in regard to case V0049121, we received your letter on 10/21 referencing ZDO 1010.02 (B, C) 1010.05 and 401.

We replied to this with documentation that the signage on the containers located at the address 29225 SE Haley Rd, Boring, OR 97009 had been removed a couple years ago, however we received a Administrative Citation letter on 12/9 stating that we have violated Laws and that the "Two cargo containers have been placed on site without proper permitting and inspections and without an agricultural exemption".

I am having a difficult time locating any specific requirements for permitting and inspection of these containers and unfortunately the Administrative Citation only references the Building codes as they pertain to the Oregon Structural Specialty Codes, can you direct me to where the above violation codes are within the stated laws that were broken, specifically in regard to permitting, inspection and need for agricultural exemption for storage containers?

As you know we have been working with Dale Burkholder to list this property for sale, as a condition of any potential sale we are working to get these containers removed, however the company we have contracted with have not been available to get that done but it is slated to occur.

I want to ensure we are able to rectify any violation ASAP, however not having the specific codes to reference in regard to the violation makes any attempt by us all the more difficult. Any clarity you can provide would be greatly appreciated.

Thank you for your time and assistance.

Dan Barton
Operations Manager
Mt Hood Center

<Cargo Container used as accessory structures .pdf><ORSC Work exempt from permit.JPG><OSSC 105.2 Work exempt from permit.JPG>



Building Codes Division

Policies and Procedures

POLICY NUMBER: 07-01

SUBJECT: Cargo (Shipping) Containers used as Accessory Structures

CODE EDITION: 2007 Oregon Structural Specialty Code
2008 Oregon Residential Specialty Code

EFFECTIVE DATE: June 1, 2007

CODE SECTION: OSSC Section 301.1
ORSC Section R101.2

ISSUE: Question: Can cargo containers be installed on properties and used as accessory structures?

Response: Yes, under certain conditions, cargo containers may be used in residential, multi-family residential, commercial and industrial zones as accessory structures. Under the provision of this guide, semi-truck trailers are not considered cargo containers.

POLICY: Cargo containers stacked on top of each other or used for habitable spaces, as listed below, must be evaluated on a case-by-case basis and must meet the requirements of either the Oregon Structural Specialty or the Oregon Residential Specialty Code, as applicable, for a site built structure. For the purpose of this guide, habitable space includes the following:

1. Containers used as shops, studios, hobby rooms, offices, lunch rooms, sales areas, playhouses or other similar uses;
2. Containers used as storage of motorized passenger vehicles, or
3. Containers with plumbing or electrical power or lighting.

For cargo containers used as storage and not used as habitable space as listed above or classified as a High-Hazard Group H occupancy, Clackamas County will approve the installation of cargo containers as accessory structures, under

the conditions listed below. Unless otherwise noted, the following requirements apply to all cargo containers used as accessory structures:

1. Occupancy Classification. Cargo containers shall be classified as follows:

- a. Containers used accessory to one or two family dwellings: Group U occupancies.
- b. Containers used accessory to commercial facilities: Group S, Division 1 occupancies.

2. Planning and Zoning. Containers must meet all applicable use and development regulations of the Zoning Code. Regulations such as building setbacks, building lot coverage and overlay zones may affect where and if a container can be placed on a specific property. Please contact Planning and Zoning staff for site specific regulations by either calling the general zoning help line at 503-742-4500 or by visiting the Development Services Building.

3. Building Permits.

- a. Building permits for containers are required as follows:

1) Containers used accessory to one or two family dwellings.

Containers greater than 200 square feet in area or greater than ten feet in height, measured from the adjacent grade to the highest point on the container, require a building permit. Containers 200 square feet in area and less than ten feet in height, measured from the adjacent grade to the highest point on the container, do not require a building permit. ORSC Section R105

2) Containers used accessory to commercial buildings.

a) Except as noted in b) below, a building permit is required to install containers accessory to commercial structures.

b) Containers that are used by a contractor for storage of construction materials on a site that has a valid building permit and which remain on the site only for the duration of the construction activity are not required to obtain a building permit.

(1) Such containers shall be located on the site for which a building permit has been issued or on a site immediately adjacent to the site of the construction activity which has been approved for use by the contractor as a staging area.

(2) The containers shall be removed from the site not later than thirty (30) days after the building permit for the construction has received final inspection.

Exemption from the permit requirements does not exempt the structure from compliance with the requirements of this guide or the zoning code.

- b. More than one container may be installed under a single permit provided the installation of each container is in compliance with the

installation requirements of this guide and the entire installation complies with the requirements of the zoning code. Contact Planning at 503-353-4500 and Building Dept at 503-353-4739.

- c. Permit documentation shall include a site plan, a floor plan of each container to be installed and any details required to demonstrate compliance with the installation requirements outlined in this guide.
- d. Fees for permits shall be calculated based on a valuation that includes the cost of the container(s) and the cost to install the container(s) including any site work necessary to prepare the site for the container(s).

4. Specific Design Requirements

- a. **Foundations and Tie Downs.** Where containers are placed on firm, level, undisturbed natural grade or on an existing paved parking area or storage yard, anchor tie downs or permanent foundations are not required.
- b. **Ventilation.** Containers used for storage only need not be provided with additional ventilation.

- c. **Egress.**

- 1) **Doors.** Containers shall be provided with an egress door not less than 3 feet wide by 6 feet, 8 inches high. The standard doors that the containers are equipped with may qualify as the required egress door provided they meet the minimum size requirement as stated above and provided they are equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied.

- 2) **Thresholds and Landings.**

- a) **Containers used accessory to one or two family dwellings.**

- Provided a container is used only for storage of materials belonging to the dwelling owner or tenant of the residence that the container is accessory to, threshold height and landings at doors for containers need not comply with the one and two family dwelling code requirements.

- b) **Containers used accessory to commercial buildings.**

- Threshold height and landings at doors for containers need not comply with the building code requirements.

- d. **Drainage.** Containers up to a maximum of 320 square feet of roof area are not required to be provided with gutters or downspouts or other storm water collection system provided the sheet flow of storm water from the container is contained on site and not allowed to encroach on adjacent property or public right of way.

This policy is based on the City of Portland's Code Guide: Special Construction – IBC/3/#1 and IRC/1/#2, Code Guide Bureau of Development Services, revised April 3, 2006.

Chapter 1 Scope and Administration

105.2 Work exempt from permit.

Permits shall not be required for the following:

> Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Oil derricks.
3. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
9. Farm or forest use agricultural buildings exempted in ORS 455.315 (see also Appendix C).
10. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

Work exempt from permit.JPG>

Chapter 1 Scope and Administration

The creation of new *habitable spaces*, new toilet rooms or new bathrooms shall require a building permit.

R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws. Nothing in this code limits a local *municipality's* ability to require application of its ordinances or to enforce its own ordinances. See Section R101 for the application and scope of this code. *Permits* shall not be required for the following:

Building:

1. Nonhabitable one-story detached accessory structures, provided that the *building area* does not exceed 200 square feet (18.58 m²) and does not exceed a height of 15 feet (4572 mm) measured from *grade plane* to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the *building area* may be increased to 400 square feet > (37.16 m²).

2. Concrete sidewalks, slabs, platforms, driveways and similar work.
3. Painting; papering; tiling; carpeting; cabinets; countertops; nonfire-resistance-rated interior wall, floor or ceiling covering; shelving and similar work.
4. Above-grade and on-ground swimming pools.
5. Swings, other playground equipment and similar work.
6. Porch covers, deck covers and patio covers as defined in Section AH102, not more than 200 square feet (18.58 m²) in *floor area* and not closer than 3 feet (914 mm) to *lot lines*.
7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonbearing partitions.

Exceptions:

1. Partitions that create *habitable space*.
2. Partitions required to be fire-resistance rated.
9. Replacement or repair of siding not required to be fire-resistance rated.
10. Porches and decks where the walking surface is not more than 30 inches (762 mm) above adjacent *grade* measured at any point within 3 feet (914 mm) horizontally of the walking surface.
11. Masonry repair.
12. Retrofitted insulation.
13. Gutters and downspouts.
14. Door and window replacements. Window replacements shall comply with Section R308 and Chapter 11, as applicable.

Exceptions: *Permits* are required for the following:

Benthin, Kim

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 16, 2025 1:29 PM
To: Benthin, Kim
Cc: Dale Burkholder; Dan Barton
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?
2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.
3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?
4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

Thank you Kimberly!

Warmest regards,

October 21, 2024

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD • OREGON CITY, OR 97045
Violation File No.# V0049121

Cassius LLC
Dean Najdawi, Registered Agent
29450 SE Larfat Ln
Boring OR 97009

Dale Burkholder
VIA email

**Subject: Violations of the Clackamas County Building Code Title 9
Chapter 9.02.040(A) and Zoning and Development Ordinance Section
1010.02 (B,C) 1010.05 and 401.**

Site Address: 29225 SE Haley Rd, Boring, OR 97009
Legal Description: T1S, R3E, Section 31A, Tax Lot 00700

This is in follow up to a telephone conversation with Dale Burkholder on October 10th, 2024 regarding bringing the above referenced property into compliance.

The building code requirements and the need for permits and inspections for the stacked cargo containers were discussed. The signs painted on the side of the containers are a zoning violation, as well as a concern of ODOT's.

The stacked cargo container sign is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code, and the Zoning and Development Ordinance Sections 1010.02 (B,C) 1010.05 and 401.

In order to abate the violations, please complete one of (or a combination of) the following options not later than November 21, 2024:

- Please submit, or have your professional submit, building permit application(s), appropriate fees(s) and all construction documents of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building code and relevant laws:
 - Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

P. 503.742.4400

F. 503.742.4272

WWW.CLACKAMAS.US

- Remove the Cargo Containers

Submitted permit documents will be subject and Zoning Division. The construction and standards of the zoning district applied to containers are to remain the painted signs be removed. If you have questions please 742-4500 or zoninginfo@clackamas.us.

For information on the permitting process please visit <https://www.clackamas.us/development-dire>

If you have questions concerning the building process, please contact the Building Codes bidservice@clackamas.us. You may also visit <https://www.clackamas.us/building>. You may also visit Beaver Creek Road, Development Services open between the hours of 8 a.m. to 4 p.m. closed to the public on Fridays, but we are recommended that you check the Clackamas before visiting.

If you have any questions for me you may contact kimben@clackamas.us.



Kimberly Benhin
Code Enforcement Specialist
Code Enforcement Section





Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RE: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act
Date: November 7, 2022 at 3:28:40 PM PST
To: Aaron Shelley <Aaron@MtHoodCenter.com>
Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I wanted to provide you with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

<p>If you've read the FAQs for each type of sign and you still have questions or want to "sign" your business up, contact the Sign Program staff:</p> <ul style="list-style-type: none">• Sue VanHandel, Sign Program Assistant: 503-373-0086• Diane Cheyne, Sign Program Administrator: 503-373-0871
--

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MtHoodCenter.com>
Sent: Monday, November 7, 2022 8:03 AM

To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 2, 2022, at 3:10 PM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does “not qualify” under the program statute and rules. There is no access at that point for customers at that location and the area is not a developed parking area. Simply having overflow parking in an field does not afford the ability to have a sign structure under OAR 734-059-0040. As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal violation process.

Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040

Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund

Program Analyst

Oregon Department of Transportation

Outdoor Advertising Sign Program

Engineering and Technical Services Branch

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Office Cell phone: **971-375-8148**

Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Wednesday, November 2, 2022 2:51 PM

To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9).

Regarding our storage containers use for storage for Mt Hood Center, that lot *is* controlled by Mt Hood Center and used for parking for our patrons amongst other things. And, as you mentioned, The state does not require permits for signs that are at a place of business, where there is a business

activity. Parking obviously being a major component of business activity. I hope that helps to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence? When I initially researched the signs before hanging them, I thought I had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before hanging the signs. Now I'm assuming I missed something in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign laws in Oregon.

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign companies, whom rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legislative mandates. Those limitations come with size restrictions and limitations on how far a sign relocation credit can be moved within the state, along with zoning, size, distance from other existing signs and highway beautification locations to name a few.

I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a relocation credit is an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and rules all potential new

sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industrial. I did not research the location in question, but my first indication is the property where the shipping containers are would be some level of AG. In addition to the zoning requirement, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT web site.

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement from the location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation credits that may be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop and physically engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state is content neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood Event Center ?

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you, is for all ad copy on the shipping containers to be removed or covered up prior to the 30 – day date for compliance noted in the notice. If the messaging is still visible on the 31st day, then the program will be required by law to move forward with the formal violation process.

If the shipping containers are being used for storage at this time, then the containers may stay on site, but cannot have any level of ad copy or advertising placed on them.

I hope this helps clarify the program requirements under the Oregon Motorist Information Act (OMIA).

I would be amiss, if I did not bring the signs below to your attention. Signs such as in the photo below are not allowed to be placed on the outside of the fence. Signs such as these can be placed inside the business area, but cannot be on the outside of the fence as this area the states right of way, and no signs other than official signs can be placed on or within the states right of way.

Future signs will need to be placed inside the fence.

<image009.png>

Please feel free to reach out with any additional questions you may have.

Kindly,

Debbie Lund

Program Analyst

Oregon Department of Transportation

Outdoor Advertising Sign Program

Engineering and Technical Services Branch

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Office Cell phone: **971-375-8148**

Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

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THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expeditious removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway** apportionment ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an

official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things**:

- 1. Location**-signs not at the site of some type of business or activity that is open to the general public
- 2. Compensation**- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If **either** of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit. If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State. For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising <OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon Jill.

Thank you for all of the information contained with in your email. I would like to apply for what I believe to be called the outdoor sign using relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on violation in question so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just got back in the country Friday and have not had much time to review the letter we had received while gone, much less the abundance of information now before us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M
<Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Morning Aaron & Dean,

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center for the signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377, including

377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under ORS 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the definition of an Outdoor Advertising Sign in ORS 377.710(21):

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Divisions 59, 60, 62-65. I’m attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as the remaining rules can be accessed from the Oregon Secretary of State’s website at:<https://secure.sos.state.or.us/oard/displayChapterRules.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that there are restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit that will be used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign will meet all requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relocation credit, prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, so please feel free to review the information with your legal counsel, as desired; and

do please let myself, or our program analyst, Deborah Lund, know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email at OutdoorAdvertising@odot.oregon.gov, or via phone using the contact number in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031

ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc><377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.docx><377.745 - Size.doc><377.750 - Spacing.doc><377.767 - Relocation.doc><734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.docx><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT

Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

Benthin, Kim

From: Benthin, Kim
Sent: Tuesday, January 21, 2025 5:20 PM
To: 'Aaron Shelley MHC'
Cc: Barnes, Michael; 'Dale Burkholder'; 'Dan'
Subject: 29225 SE Haley Rd V0049121
Attachments: 24-11-12 email to Dale.pdf; ORSC Work exempt from permit.jpg; OSSC 105.2 Work exempt from permit.JPG; 24-12-09 Research 07-01 Cargo Shipping Containers.pdf; 24-12-19 email exchange w Dan.pdf; 24-12-30 Email w Dan.pdf

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 16, 2025 1:29 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Dale Burkholder <dalebukholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the

containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?

I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware? I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct? The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,

Benthin, Kim

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 23, 2025 4:51 PM
To: Benthin, Kim
Cc: Barnes, Michael; Dale Burkholder; Dan Barton
Subject: Re: 29225 SE Haley Rd V0049121

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

Thank you again Kimberly. I hope I'm not being a burden with all these questions. In your latest email I this exception:

Building:

1. Nonhabitable one-story detached accessory structures, provided that the *building area* does not exceed 200 square feet (18.58 m²) and does not exceed a height of 15 feet (4572 mm) measured from *grade plane* to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the *building area* may be increased to 400 square feet

> (37.16 m²).

Would this qualify the containers to remain as the property since the property is 2.38 acres?

Thank you again!

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Benthin, Kim

From: Benthin, Kim
Sent: Thursday, January 23, 2025 3:49 PM
To: 'Aaron Shelley MHC'
Cc: Barnes, Michael; Dale Burkholder; Dan Barton
Subject: RE: 29225 SE Haley Rd V0049121
Attachments: OSSC 105.2 Work exempt from permit.JPG; ORSC Work exempt from permit.jpg

Good afternoon Aaron!

If the containers meet the exemptions – they do not require a building permit. The Zoning and Development Ordinance remains applicable regardless of the requirement for a building permit.

Best,

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 23, 2025 9:56 AM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Barnes, Michael <MBarnes@clackamas.us>; Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Re: 29225 SE Haley Rd V0049121

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

Thank you Kimberly. That was very helpful. I think I only have one more question for clarification.

Do we need a permit if the containers are not stacked. Dale was under the impression that no permit/permission is needed if they are not stacked?

Dean is out of town but I forward all correspondence to him and am in constant contact with him regarding Cassius, LLC. Dale and Dan have permission to work on this matter on Dean's behalf. I appreciate and respect you asking that.

Thank you for updating me regarding Michale Barnes contact info.

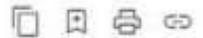
Thank you again for prompt reply.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Chapter 1 Scope and Administration

The creation of new *habitable spaces*, new toilet rooms or new bathrooms shall require a building permit.

R105.2 Work exempt from permit.



Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws. Nothing in this code limits a local *municipality's* ability to require application of its ordinances or to enforce its own ordinances. See Section R101 for the application and scope of this code. *Permits* shall not be required for the following:

Building:

1. Nonhabitable one-story detached accessory structures, provided that the *building area* does not exceed 200 square feet (18.58 m²) and does not exceed a height of 15 feet (4572 mm) measured from *grade plane* to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the *building area* may be increased to 400 square feet > (37.16 m²).

2. Concrete sidewalks, slabs, platforms, driveways and similar work.
3. Painting; papering; tiling; carpeting; cabinets; countertops; nonfire-resistance-rated interior wall, floor or ceiling covering; shelving and similar work.
4. Above-grade and on-ground swimming pools.
5. Swings, other playground equipment and similar work.
6. Porch covers, deck covers and patio covers as defined in Section AH102, not more than 200 square feet (18.58 m²) in *floor area* and not closer than 3 feet (914 mm) to *lot lines*.
7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonbearing partitions.

Exceptions:

1. Partitions that create *habitable space*.
2. Partitions required to be fire-resistance rated.
9. Replacement or repair of siding not required to be fire-resistance rated.
10. Porches and decks where the walking surface is not more than 30 inches (762 mm) above adjacent *grade* measured at any point within 3 feet (914 mm) horizontally of the walking surface.
11. Masonry repair.
12. Retrofitted insulation.
13. Gutters and downspouts.
14. Door and window replacements. Window replacements shall comply with Section R308 and Chapter 11, as applicable.

Exceptions: *Permits* are required for the following:

Chapter 1 Scope and Administration

105.2 Work exempt from permit.

Permits shall not be required for the following:

> Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Oil derricks.
3. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an *accessible route*.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support.
8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
9. Farm or forest use agricultural buildings exempted in ORS 455.315 (see also Appendix C).
10. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

Benthin, Kim

From: Benthin, Kim
Sent: Monday, January 27, 2025 11:50 AM
To: 'Aaron Shelley MHC'
Cc: Barnes, Michael; Dale Burkholder; Dan Barton
Subject: RE: 29225 SE Haley Rd V0049121
Attachments: 24-12-09 Ship container Dimensions.JPG

Good morning Aaron,

No, you are not being a burden.

The exemption snip that you are referring to has been included in more than one of my emails. I am aware the property is more than 2 acres.

I would refer you to this portion of the exemption : *“and does not exceed a height of 15 feet...”*

Cargo/shipping containers are fairly uniform in sizing due to their purpose and uses. When they are stacked – they exceed 15 feet. The acreage requirement only allows the *building area* to increase to 400 sqft.

If you wish and think it worthwhile to do so – we can meet and measure the stacked containers. Hopefully, it will be a sunny day like today!

Best,

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 23, 2025 4:51 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Barnes, Michael <MBarnes@clackamas.us>; Dale Burkholder <daleb Burkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Re: 29225 SE Haley Rd V0049121

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

Thank you again Kimberly. I hope I'm not being a burden with all these questions. In your latest email I this exception:

y in length and width. Most commonly, containers are around 10-feet, 20-feet, or 40-feet long, each at around 8 feet wide. The varies between standard height (8 feet 6 inches) and "high cube" (9 feet 6 inches), which are often used to increase storage n. Check out the table below for a breakdown of shipping container dimensions and specifications.

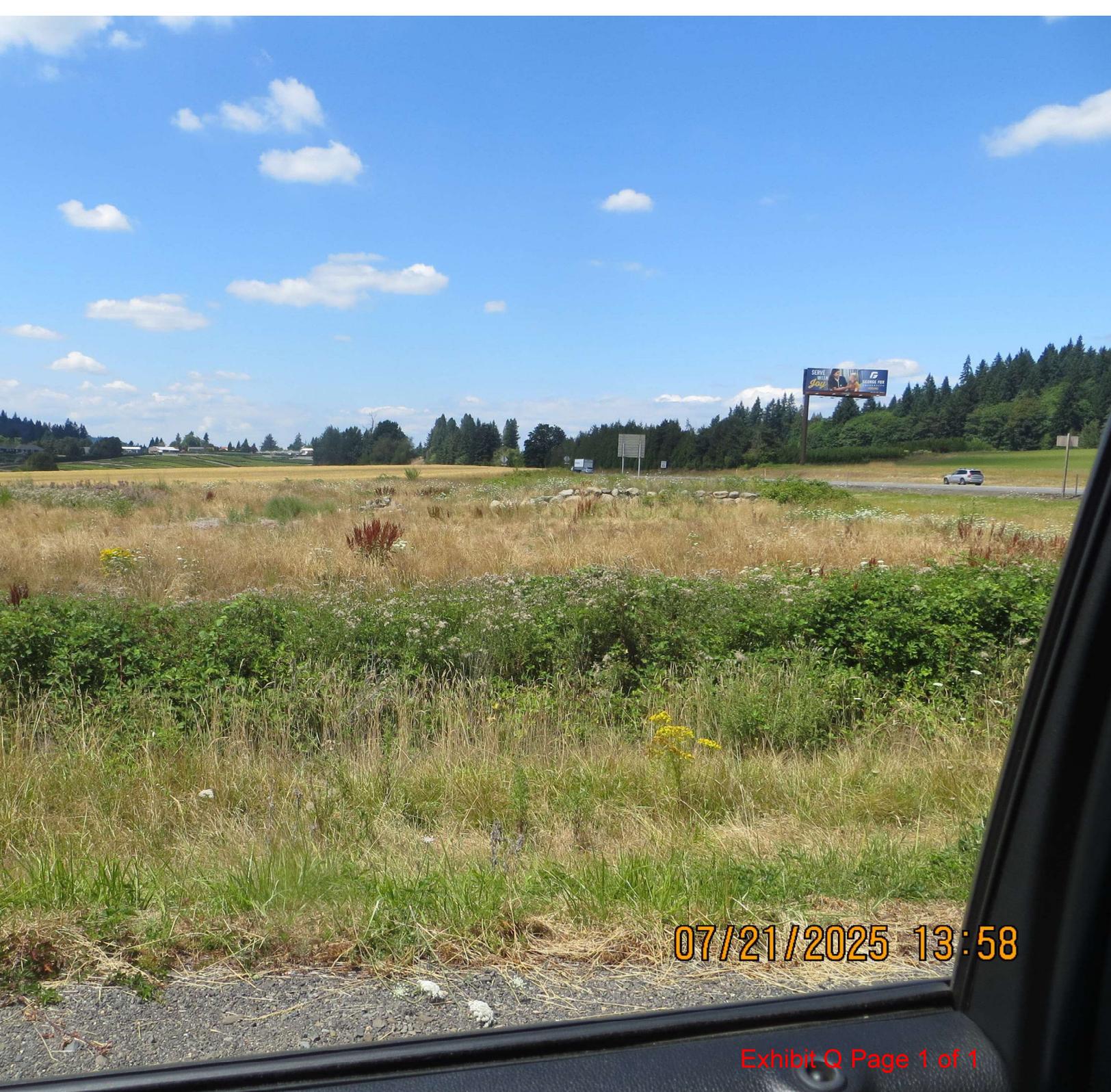
Exterior Dimensions (LxWxH)	Interior Dimensions (LxWxH)	Door Opening (WxH)	Square Footage	Typical Weight (Empty)
9'9.75" x 8' x 8'6"	9'3" x 7'8" x 7'10"	7'8" x 7'5"	75 square-feet	2,850 lb
19'10.5" x 8' x 8'6"	19'3" x 7'8" x 7'10"	7'8" x 7'5"	150 square-feet	5,050 lb
19'10.5" x 8' x 9'6"	19'3" x 7'8" x 8'10"	7'8" x 8'5.5"	150 square-feet	5,181 lb
40' x 8' x 8'6"	39'5" x 7'8" x 7'10"	7'8" x 7'5"	300 square-feet	8,000 lb
40' x 8' x 9'6"	39'5" x 7'8" x 8'10"	7'8" x 8'5.5"	300 square-feet	8,775 lb

Approximate as containers vary from manufacturer to manufacturer.



04/14/2025 11:32





07/21/2025 13:58

Exhibit Q Page 1 of 1

Benthin, Kim

From: Benthin, Kim
Sent: Monday, July 21, 2025 2:10 PM
To: Carl D. Cox (carldcox1@yahoo.com)
Cc: Kauppi, Jennifer
Subject: V0049121 Cassius LLC

Please cancel the hearing set for this matter.
The violation has been abated.

Sincerely,

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



Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

Benthin, Kim

From: Benthin, Kim
Sent: Monday, July 21, 2025 2:15 PM
To: 'Aaron Shelley'; 'greg@hathawaylarson.com'
Subject: Re the matter of V0049121 Cassius LLC.

Good afternoon Gentleman,

It has been confirmed the cargo containers have been removed from the subject property. The building code violation has been abated and the hearing is cancelled.

Sincerely,

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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This is a Bill

September 3, 2025

Cassius LLC
29450 SE Lariat Ln.
Boring, OR 97009

Aaron Shelley – Registered Agent
29450 SE Lariat Ln.
Boring, OR 97009

Subject: Notice and Statement of Administrative Compliance Fee. Final Billing – File V0049121

Site Address: 29225 SE Haley Rd. Boring, OR 97009
Legal Description: T1S, R4E, Section 31A, Tax Lot 700

As you have been informed in previous correspondence from the Clackamas County Code Enforcement Section, a \$75.00 per month Administrative Compliance Fee has been accruing since October 2024, the date the violation was confirmed through July 2025, when it was confirmed that the violation was abated. This fee is in addition to the other fines or penalties that have been imposed through citation or Hearings Officer actions. These fines and penalties include:

Administrative Fees:	\$600.00 (Reduced)
Citation # 210491-1	\$ 0.00
Balance Due:	\$600.00

Please be advised that failure to pay the amount due within 60 days may result in the County taking action to collect these fees by any means the law allows including, but not limited to, referral of this matter to a collection agency as provided for in Clackamas County Code Chapter 2.07.

Please send a check or money order made payable to Clackamas County or call 503-742-4467 to request a credit card authorization form to pay by credit card.

Clackamas County Code Enforcement Section
150 Beaver Creek Road
Oregon City, OR 97045

Thank you for your cooperation.

Andrea Hall
Andrahal@Clackamas.us
Clackamas County Code Enforcement

Mr. Aaron Shelley
29450 SE Lariat Ln
Boring, OR 97009



PORTLAND OR RPDC 972

8 SEP 2025 PM 1 L



1775

Andrea Hall
Clackamas County Code Enforcement
Development Services
150 Beaver Creek Rd
Oregon City, OR 97045

97045-409299



Aaron Bret Shelley
Registered Agent, Cassius LLC
29450 SE Lariat Ln.
Boring, OR 97009
Email/Phone: AaronShelley67@gmail.com / 503-841-8869

September 6, 2025

Andrea Hall
Clackamas County Code Enforcement Section
Development Services Building
150 Beaver Creek Road
Oregon City, OR 97045
Andreahal@Clackamas.us

Re: Request to Waive and Remove Administrative Compliance Fee — File V0049121; Site: 29225 SE Haley Rd., Boring, OR 97009; Citation #210491-1; “Final Billing” dated September 3, 2025

Dear Ms. Hall,

I write on behalf of Cassius LLC regarding the “Notice and Statement of Administrative Compliance Fee – Final Billing” for the above-referenced file. As you know, the underlying enforcement matter was dismissed by Ms. Kimberly Benthin before hearing. The County’s dismissal was framed as “brought into compliance,” but our consistent position has been—and remains—that the property was in compliance at all times.

Despite the dismissal, the County has issued a final bill for an Administrative Compliance Fee of \$75/month accruing from October 2024 (date the violation was “confirmed”) through July 2025 (date the County says the violation was “abated”),

with a reduced balance of \$600.00 now demanded within 60 days and subject to collection under County Code Chapter 2.07.

Request and Basis

1. Dismissal Eliminates Fee Basis. Because the matter was dismissed without any adverse finding by a Hearings Officer, there is no final determination that a violation existed. Absent a sustained violation, there is no lawful basis to continue to impose or collect monthly "administrative compliance" fees tied to an alleged violation period.
2. Due Process / Fairness. The County chose to dismiss pre-hearing, which eliminated my opportunity to obtain a formal adjudication establishing that no violation existed. It would be inequitable and contrary to due process to both (a) dismiss the case before my hearing, and (b) still collect monthly penalties premised on the existence of that same alleged violation.
3. Administrative Discretion & Equity. The notice reflects that the County already exercised discretion by "reducing" the amount to \$600. That same discretion should be applied to fully waive and remove the fee in light of the dismissal and our maintained all-along compliance.
4. Consistency With Compliance Status. If the County's theory is that compliance was achieved by July 2025, the fees should in any event have ceased as of the County's dismissal date. If, as we contend, the property was always compliant, then no such fees should have accrued at all.

Requested Actions (within 10 business days)

- A. Full Waiver and Removal. Void and remove the Administrative Compliance Fee in File V0049121 and update the account to \$0.00 due.
- B. Written Confirmation. Provide written confirmation that the balance is \$0.00 and that no referral to collections will be made for this item.
- C. Collections Hold. Place an immediate administrative hold on collection activity for this File pending resolution of this waiver request.
- D. Record Production. Please provide (electronically is fine):
 - 1) The written dismissal/closure communication from Ms. Benthin, including the effective date;

2) The complete fee ledger showing each monthly accrual and any internal "reduction" entries;

3) Any policy, directive, or code section the County relies upon to impose monthly administrative compliance fees after a case has been dismissed without a final violation finding.

Reservation of Rights

Nothing in this letter should be construed as an admission that any violation existed. If necessary, we will pay under protest solely to avoid collection activity and will pursue appropriate remedies to recover any amounts improperly assessed. We also reserve all rights to raise this issue within related litigation concerning selective and inconsistent enforcement actions.

Please confirm by reply email that the balance has been set to \$0.00 and that File V0049121 is closed with no further action. If you believe any portion of the administrative compliance fee is still due, kindly identify the specific legal authority supporting that position and the exact dates and events you contend justify accrual after dismissal.

Thank you for your prompt attention.

Sincerely,



Aaron Bret Shelley

Registered Agent, Cassius LLC

cc: Kimberly Benthin, Clackamas County; Greg Hathaway, Esq., Hathaway Larson LLP

Attachments:

1. Notice and Statement of Administrative Compliance Fee – Final Billing (Sept. 3, 2025)
2. County dismissal correspondence



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD · OREGON CITY, OR 97045

This is a Bill

September 3, 2025

Cassius LLC
29450 SE Lariat Ln.
Boring, OR 97009

Aaron Shelley – Registered Agent
29450 SE Lariat Ln.
Boring, OR 97009

Subject: Notice and Statement of Administrative Compliance Fee. Final Billing – File V0049121

Site Address: 29225 SE Haley Rd. Boring, OR 97009
Legal Description: T1S, R4E, Section 31A, Tax Lot 700

As you have been informed in previous correspondence from the Clackamas County Code Enforcement Section, a \$75.00 per month Administrative Compliance Fee has been accruing since October 2024, the date the violation was confirmed through July 2025, when it was confirmed that the violation was abated. This fee is in addition to the other fines or penalties that have been imposed through citation or Hearings Officer actions. These fines and penalties include:

Administrative Fees:	\$600.00 (Reduced)
Citation # 210491-1	\$ 0.00
Balance Due:	\$600.00

Please be advised that failure to pay the amount due within 60 days may result in the County taking action to collect these fees by any means the law allows including, but not limited to, referral of this matter to a collection agency as provided for in Clackamas County Code Chapter 2.07.

Please send a check or money order made payable to Clackamas County or call 503-742-4467 to request a credit card authorization form to pay by credit card.

Clackamas County Code Enforcement Section
150 Beaver Creek Road
Oregon City, OR 97045

Thank you for your cooperation.

Andrea Hall
Andreaahal@Clackamas.us
Clackamas County Code Enforcement

From: Benthin, Kim KimBen@clackamas.us
Subject: Re the matter of V0049121 Cassius LLC.
Date: July 21, 2025 at 2:15 PM
To: Aaron Shelley aaronshelley67@gmail.com, greg@hathawaylarson.com



Good afternoon Gentleman,

It has been confirmed the cargo containers have been removed from the subject property.
The building code violation has been abated and the hearing is cancelled.

Sincerely,

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

Were you happy with the service you received today?



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Benthin, Kim

From: Hall, Andrea
Sent: Tuesday, September 9, 2025 10:55 AM
To: 'Aaron Shelley'
Cc: DTD-CodeEnforcement; Benthin, Kim; Greg Hathaway; Barnes, Michael
Subject: RE: Re the matter of V0049121 Cassius LLC.

Thank you Aaron for clarifying. You will receive notice of the hearing on Oct. 28, 2025 at 9:30am in the mail soon.

From: Aaron Shelley <aaronshelley67@gmail.com>
Sent: Tuesday, September 9, 2025 10:16 AM
To: Hall, Andrea <Andreahal@clackamas.us>
Cc: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>; Benthin, Kim <KimBen@clackamas.us>; Greg Hathaway <greg@hathawaylarson.com>; Barnes, Michael <MBarnes@clackamas.us>
Subject: Re: Re the matter of V0049121 Cassius LLC.

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

 **This message could be suspicious**

- Similar name as someone you've contacted.
- This is a personal email address.

Report this Email or Mark as Safe Powered by Mimecast

Yes Ma'am. I'd like to see the fees dismissed.

Thank you again.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
<https://www.facebook.com/coachaaronshelley>

On Sep 9, 2025, at 9:35 AM, Hall, Andrea <Andreahal@clackamas.us> wrote:

Thank you Aaron, just to clarify, you wish to contest the fact of the case which resulted in administrative fees correct?

Does October 28, 2025 at 9:30am work for you as a hearing date and time?

From: Aaron Shelley <aaronshelley67@gmail.com>
Sent: Tuesday, September 9, 2025 8:23 AM
To: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>
Cc: Benthin, Kim <KimBen@clackamas.us>; Greg Hathaway <greg@hathawaylarson.com>; Hall, Andrea <Andreahal@clackamas.us>
Subject: Re the matter of V0049121 Cassius LLC.

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

This is a request for a hearing. I have included the following information below:

Your name and address.
A copy of the citation or the citation number and case number.
A description of the relief you are requesting.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
<https://www.facebook.com/coachaaronshelley>

On Sep 6, 2025, at 3:43 PM, Aaron Shelley <aaronshelley67@gmail.com> wrote:

Aaron Bret Shelley
Registered Agent, Cassius LLC
29450 SE Lariat Ln.
Boring, OR 97009
Email/Phone: AaronShelley67@gmail.com / 503-841-8869

September 6, 2025

Andrea Hall
Clackamas County Code Enforcement Section
Development Services Building
150 Beaver Creek Road
Oregon City, OR 97045
Andreahal@Clackamas.us

Re: Request to Waive and Remove Administrative Compliance Fee — File V0049121; Site: 29225 SE Haley Rd., Boring, OR 97009; Citation #210491-1; "Final Billing" dated September 3, 2025

Dear Ms. Hall,

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Despite the dismissal, the County has issued a final bill for an Administrative Compliance Fee of \$75/month accruing from October 2024 (date the violation was "confirmed") through July 2025 (date the County says the violation was "abated"), with a reduced balance of \$600.00 now demanded within 60 days and subject to collection under County Code Chapter 2.07.

Request and Basis

1. **Dismissal Eliminates Fee Basis.** Because the matter was dismissed without any adverse finding by a Hearings Officer, there is no final determination that a violation existed. Absent a sustained violation, there is no lawful basis to continue to impose or collect monthly "administrative compliance" fees tied to an alleged violation period.
2. **Due Process / Fairness.** The County chose to dismiss pre-hearing, which eliminated my opportunity to obtain a formal adjudication establishing that no violation existed. It would be inequitable and contrary to due process to both (a) dismiss the case before my hearing, and (b) still collect monthly penalties premised on the existence of that same alleged violation.
3. **Administrative Discretion & Equity.** The notice reflects that the County already exercised discretion by "reducing" the amount to \$600. That same discretion should be applied to fully waive and remove the fee in light of the dismissal and our maintained all-along compliance.
4. **Consistency With Compliance Status.** If the County's theory is that compliance was achieved by July 2025, the fees should in any event have ceased as of the County's dismissal date. If, as we contend, the property was always compliant, then no such fees should have accrued at all.

Requested Actions (within 10 business days) A. **Full Waiver and Removal.** Void and remove the Administrative Compliance Fee in File V0049121 and update the account to \$0.00 due.

B. **Written Confirmation.** Provide written confirmation that the balance is \$0.00 and that no referral to collections will be made for this item.

C. **Collections Hold.** Place an immediate administrative hold on collection activity for this File pending resolution of this waiver request.

D. **Record Production.** Please provide (electronically is fine):

1. The written dismissal/closure communication from Ms. Benthin, including the effective date;
2. The complete fee ledger showing each monthly accrual and any internal "reduction" entries;
3. Any policy, directive, or code section the County relies upon to impose monthly administrative compliance fees after a case has been dismissed without a final violation finding.

Reservation of Rights Nothing in this letter should be construed as an admission that any violation existed. If necessary, we will pay under protest solely to avoid collection activity and will pursue appropriate remedies to recover any amounts improperly assessed. We also reserve all rights to raise this issue within related litigation concerning selective and inconsistent enforcement actions.

Please confirm by reply email that the balance has been set to \$0.00 and that File V0049121 is closed with no further action. If you believe any portion of the administrative compliance fee is still due, kindly identify the specific legal authority supporting that position and the exact dates and events you contend justify accrual after dismissal.

Thank you for your prompt attention.

Sincerely,

Aaron Bret Shelley
Registered Agent, Cassius LLC

cc: Kimberly Benthin, Clackamas County; Greg Hathaway, Esq., Hathaway Larson LLP

Attachments:

1. Notice and Statement of Administrative Compliance Fee – Final Billing (Sept. 3, 2025)
2. County dismissal correspondence (for reference)

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869

<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: "Benthin, Kim" <KimBen@clackamas.us>

Subject: Re the matter of V0049121 Cassius LLC.

Date: July 21, 2025 at 2:15:23 PM PDT

To: Aaron Shelley <aaronshelley67@gmail.com>, "greg@hathawaylarson.com" <greg@hathawaylarson.com>

Good afternoon Gentleman,

It has been confirmed the cargo containers have been removed from the subject property.
The building code violation has been abated and the hearing is cancelled.

Sincerely,

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

<image001.png>

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Benthin, Kim

From: Hall, Andrea
Sent: Tuesday, September 9, 2025 8:10 AM
To: 'aaronshelley67@gmail.com'
Cc: 'greg@hathawaylarson.com'; Benthin, Kim; Lucas, Joseph
Subject: V0049121 - 29225 SE Haley Rd.
Attachments: 23-01-18 CREDIT_CARD_CE.pdf

Good morning Aaron,

I am responding to your email dated September 6, 2025 regarding the outstanding administrative compliance fees that are owed for violation file V0049121. You have several options at this point, you can pay the fee in full using a credit card, check or money order. Or, I would be happy to work with you on a payment plan, making a monthly payment until the debt is paid, or, if you wish, you may request a hearing in this matter before the Code Enforcement Hearings Officer.

If you opt to pay the fee, I've attached a credit card authorization form to this message or you can mail a check or money order to:

Clackamas County Code Enforcement
150 Beaver Creek Rd.
Oregon City, OR 97045

(Please note that there is a 2.65% bank service fee to use a credit card.)

To request a hearing, you can mail in your request to the address above or email it to codeenforcement@clackamas.us. A request for hearing must include all of the following information:

Your name and address.
A copy of the citation or the citation number and case number.
A description of the relief you are requesting.

Please let me know if you have any questions.

Thank you,

Andrea Hall
Senior Code Enforcement Specialist
Clackamas County Code Enforcement Division
150 Beaver Creek Rd.
Oregon City, OR 97045
503-742-4467
Monday – Friday 8am to 4:30pm
Lobby hours 8:00 a.m. until 4:00 p.m. Monday -Thursday

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

Benthin, Kim

From: Aaron Shelley <aaronshelley67@gmail.com>
Sent: Wednesday, July 16, 2025 2:53 PM
To: carldcox1@yahoo.com
Cc: Benthin, Kim; ccob@clackamas.us; Greg Hathaway
Subject: Statement of Case and Submission of Evidence – V0049121 (Cassius LLC – Haley Rd Containers)
Attachments: Exhibit_F_Inventory_Agricultural_Storage.pdf; Exhibit_B1.pdf; Exhibit_A1_to_A4.pdf; Exhibit_E_Container_Sale_Email.pdf; Exhibit_G_Agricultural_Exemption_Zoning_OR5455315.pdf; Exhibit_I_Agricultural_Use_Justification.pdf; Exhibit_K_Email_Ground_Saturation.pdf; Exhibit_C_Kim_Benthin_Signage_Dispute.pdf; Exhibit_D_Full_Context_and_Images.pdf; Exhibit_J_Kim_Benthin_Haley_Rd_Containers_combined.pdf; Exhibit_H_1982_Operating_Parameters_Conditions_CUP.pdf

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- Similar name as someone you've contacted.
- No employee in your company has ever replied to this person.
- This is a personal email address.

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Subject: Hearing Submission ♦ Haley Rd Containers Enforcement (Exhibits A♦J Attached)

To: Mr. Cox, Hearings Officer

From: Aaron Shelley

Re: Response to Administrative Citation #210491♦1 (Haley Rd Containers)

Dear Mr. Cox,

I am writing to formally present my position regarding the administrative enforcement action taken by Clackamas County concerning the storage containers located on the EFU-zoned parcel on Haley Rd I represent. The following narrative outlines the basis of my good-faith efforts to comply with County standards, the legal protections afforded under Oregon law, and the procedural deficiencies in the County's enforcement process. For sake of convenience, I refer to the below attached Exhibits to support my statements.

INTRODUCTORY STATEMENT

This enforcement action by Clackamas County was untimely, unjustified, and procedurally flawed. The containers were used for protected agricultural storage, consistent with Oregon law and backed by a conditional use permit. After resolving ODOT's signage concern and using the containers exclusively for equine-related purposes, I was blindsided by a shift in County enforcement that lacked factual verification. The County never inspected the site, never cited a complaint, and offered no meaningful guidance about exemption processes. The confusion they created ♦ compounded by inconsistent communication and disregard of good-faith efforts ♦ caused unnecessary harm and expense. This matter should never have escalated, nor should the County have sought an enforcement action under the circumstance as explained below.

1. Agricultural Storage Use ♦ Clear Legal Definition (ORS 215.203)

Under ORS 215.203, ♦farm use♦ includes storage of equipment and materials for the operation of a farm or ranch, including equestrian operations. The containers in question were used exclusively to store agricultural equipment, including saddles, tack, mucking tools, fencing materials, irrigation supplies, and feed bins. These materials were essential to the maintenance of horses and land at the primary facility I manage, located at 29450 SE Lariat Lane.

The contents were not related to commercial, retail, or residential use. No structure was occupied. These containers functioned exclusively as secure, weather-resistant agricultural storage consistent with protected farm use. The County did not cite any activity that would fall outside of the farm use exemption.

Referenced Exhibit: Exhibit F ♦ Inventory of container contents

2. Cross-Parcel Use ♦ Lawful Non-Contiguous Agricultural Support

Our equestrian operation spans two parcels: 29450 SE Lariat Lane (RRFF-5, with conditional use permit for equine activity) and the EFU-zoned parcel on Haley Rd. Although the parcels are not contiguous, Oregon law does not require adjacency for lawful cross-parcel agricultural operations. The storage containers at Haley Rd supported operations at Lariat Lane.

Items stored at Haley Rd included seasonal fencing, grooming and maintenance tools, and rotational tack, which were transported as needed but mostly stored. The logistical separation served operational efficiency but did not disrupt lawful use. This is well within the framework of ZDO 401 and the farm use definitions under Oregon law.

Referenced Exhibits: Exhibit I ♦ Narrative explanation of cross-parcel agricultural storage and usage
Exhibit H ♦ Conditions of Conditional use permit for equestrian activity at 29450 SE Lariat Lane

3. Full Compliance with ODOT Request ♦ Signage Promptly Removed

In early 2023, I received a directive from ODOT to remove signage from the containers at Haley Rd. I complied promptly and documented the removal via photographs.

These photos were submitted to Clackamas County through Kim Benthin to confirm compliance. Google Earth satellite imagery from 2023 also reflects no visible signage. Despite this, enforcement continued as though the signage had never been removed.

Referenced Exhibits: Exhibit A (1♦4) ♦ Photos of container signage removal
Exhibit B ♦ Google Earth 2023 imagery showing absence of signage

4. Misapplication of Building Code ♦ Agricultural Exemption Was Not Acknowledged

Clackamas County♦s enforcement pivoted from signage to accusations that I was in violation of the Oregon Building Code. However, ORS 455.315 clearly exempts agricultural buildings♦including storage containers used for farm use on EFU land♦from permitting requirements.

Despite this, I was pressured to obtain building permits. The County never issued a formal violation for a building code infraction but applied pressure through indirect threats. While Kim Benthin mentioned the Agricultural Exemption Affidavit in passing, she did not explain that filing it would fully exempt the containers from permit requirements.

I was never told that lawful agricultural use would eliminate the need for permits. Had that been made clear, I would have filed the exemption immediately and never considered selling the containers. It is a simple, one page document that only requires submission and no fees or significant approval process. Kim Benthin emphasized signage and building code concerns without making the exemption process accessible or understandable.

Referenced Exhibits: Exhibit C and D ♦ Combined emails from Kim Benthin, including April 13 and June 2023 communications

5. Enforcement Was Untimely and Factually Unjustified

Clackamas County began enforcement well after signage was removed and no complaints were ever cited. Kim Benthin♦s initial contact focused on signage but did not acknowledge that the signage was already gone. There is no indication that the County verified facts on the ground. In effect, enforcement was not only untimely♦it was **fundamentally unjustified**, having no legal or factual foundation to proceed once the signage issue was resolved.

Throughout the process, she never scheduled or requested a site visit. She never referenced a third-party complaint. There was no factual basis for assuming a violation existed. Despite my compliance and documented communications, enforcement proceeded with no clarification.

This confusion is evidenced by multiple requests for clarification made by myself, my representative Dan Barton, and land use expert Dale Burkholder. Dale despite his professional background was not clearly told that the containers could be exempt under agricultural use.

Referenced Exhibits: Exhibit C and D Email chains reflecting confusion and lack of clarity from the County

6. Visibility from Highway 26 is Not a Violation

While the containers were visible from Highway 26, visibility is not a zoning violation. After the removal of signage, no external indicator of commercial or improper use remained. Oregon land use code does not prohibit visibility of agricultural storage structures.

Clackamas County continued to reference visibility as a problem, despite the fact that the containers were being used lawfully. This emphasis misrepresents the actual legal standards and shifts focus from use to appearance.

7. County Failed to Conduct an Inspection

Despite photographic proof, ongoing communication, and evidence of good-faith efforts to comply, Clackamas County never conducted a site visit. This lack of investigation supports the conclusion that the County acted without verifying facts.

A simple visit could have confirmed agricultural use and absence of signage resolving the matter without enforcement.

8. Pattern of Retaliatory Enforcement and Financial Harm

Enforcement escalated even after compliance efforts were underway. I had actively listed the containers for sale and was transparent with the County about timing constraints related to weather. The ground was too saturated for a crane or truck to remove the containers safely, as I explained in my April 6, 2023 email to Kim Benthin.

Exhibit_K_Email_Ground_Saturation

We lost multiple buyers due to weather related delays and were eventually forced to discount the containers just to meet the County's demands. The lack of flexibility and refusal to pause enforcement despite full transparency resulted in financial harm.

Referenced Exhibits: Exhibit E April 6, 2023 email noting saturated conditions
Exhibit D Documentation of container sale

9. Exhibit J Summary of Entire Email Record with Kim Benthin

This exhibit compiles the entire record of email correspondence with Kim Benthin, including both content previously referenced in Exhibits C and D as well as additional clarifying messages. It includes my photographic documentation, statements about agricultural use, and clear efforts to comply. Most notably, it reveals that Kim Benthin failed to provide clear procedural guidance or follow-up related to the Agricultural Exemption. This comprehensive record is critical to understanding the miscommunications, omissions, and bureaucratic obstacles that led to escalation. It reflects the confusion she caused and my repeated efforts to resolve the issue.

Referenced Exhibit: Exhibit J Kim Benthin Haley Rd Containers combined.pdf

10. Lack of Progressive Enforcement

No formal warning or opportunity to cure was issued prior to enforcement. The County's jump to citation without preliminary steps such as site visits, courtesy notices, or direct inspection contradicts its duty to act in good faith and erodes procedural fairness.

11. Lack of Nexus Between Violation and Public Harm

There is no demonstrable public nuisance or environmental risk posed by the containers as used. The enforcement served no measurable public benefit but imposed measurable economic harm. Without a complainant, without inspection, and without public impact, the justification for aggressive enforcement is simply lacking.

12. Good Faith and Transparency as Mitigating Factors

I was proactive, transparent, and cooperative at every step documenting compliance, explaining delays, and seeking clarity. My record shows no history of defiance, concealment, or willful noncompliance. In Oregon land use precedent, this type of cooperative posture is considered a mitigating factor in enforcement outcomes. Email documentation (Exhibits C, D, E, and K) supports these efforts.

13. Administrative Miscommunication Created the Violation

Had the County made clear that an Agricultural Exemption affidavit would resolve the issue, I would have filed it immediately. Instead, their emphasis on building code language created the impression that permits were required no matter the use. This miscommunication is not a legal basis to punish the property owner for procedural confusion caused by the County itself. The burden to clearly inform property owners of lawful remedies lies with the County.

14. Reasonable Person Standard ♦ Would Another Owner Have Understood?

A reasonable person in my position, receiving the same vague and conflicting messages, would likely have taken the same path. I consulted with a land-use professional (Dale Burkholder), who himself was unclear after discussions with the County. When even professionals are confused, this is evidence that the system ♦ not the citizen ♦ is broken. Oregon land use boards often consider confusion of this nature as a mitigating factor.

15. Precedent and Proportionality

It is critical for the County to enforce zoning code proportionally and predictably. Escalating to formal citation without a public complaint, public impact, or inspection undermines trust in the land use system. If the County can cite someone under these conditions, it sets a dangerous precedent for property owners across the County.

16. Weather-Related Delays Were Legitimate, Not Avoidant

Removal delays were caused by ground saturation during Oregon ♦s rainy season. Crane access was unsafe and cost-prohibitive requiring protective matting and other unusual potential methodologies. Multiple buyers backed out, prolonging the process. I remained communicative and eventually completed removal at a financial loss. **Referenced Exhibit:** Exhibit K ♦ April 6 email referencing conditions

17. County Escalated Without Engagement or Warning

Kim Benthin never requested a site inspection, never acknowledged photos provided, and failed to respond with a clear explanation of how to cure the alleged issue. This bypassing of engagement undermines Clackamas County's stated commitment to cooperative code compliance.

CLOSING STATEMENT

At every stage, I made good-faith efforts to comply with evolving demands ♦ removing signage, providing photos, listing the containers for sale, and explaining weather-related delays. Yet Clackamas County escalated enforcement without ever inspecting the site, verifying the facts, or offering a clear path toward resolution. Had they simply clarified the Agricultural Exemption Affidavit process ♦ or acknowledged the lawful agricultural use already underway ♦ this situation would have resolved months ago.

Instead, I was left navigating a maze of shifting standards, vague threats, and undue pressure. Their actions reflect not legitimate enforcement but a retaliatory agenda ♦ and that misuse of authority has real consequences. This hearing is not just about defending my actions ♦ it's about holding the County accountable for theirs.

Thank you for your time and consideration. I am providing the referenced exhibits A ♦ J, as an attachments to this email and have cc ♦ ed Kim Benthin as requested in the Notice of Hearing I received. The Hearing is Scheduled for July 22, 2025 at 10:00am.

Based on the foregoing, I respectfully request you dismiss this enforcement action by the County.

Sincerely,
Aaron Shelley

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
Director of Operations, Mt Hood Center
<https://www.facebook.com/coachaaronshelley>





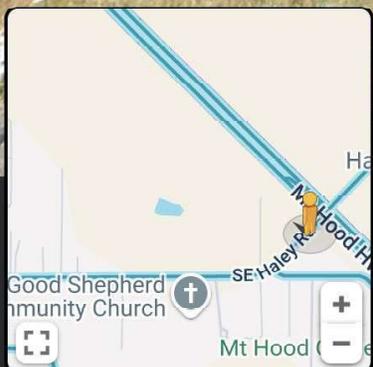
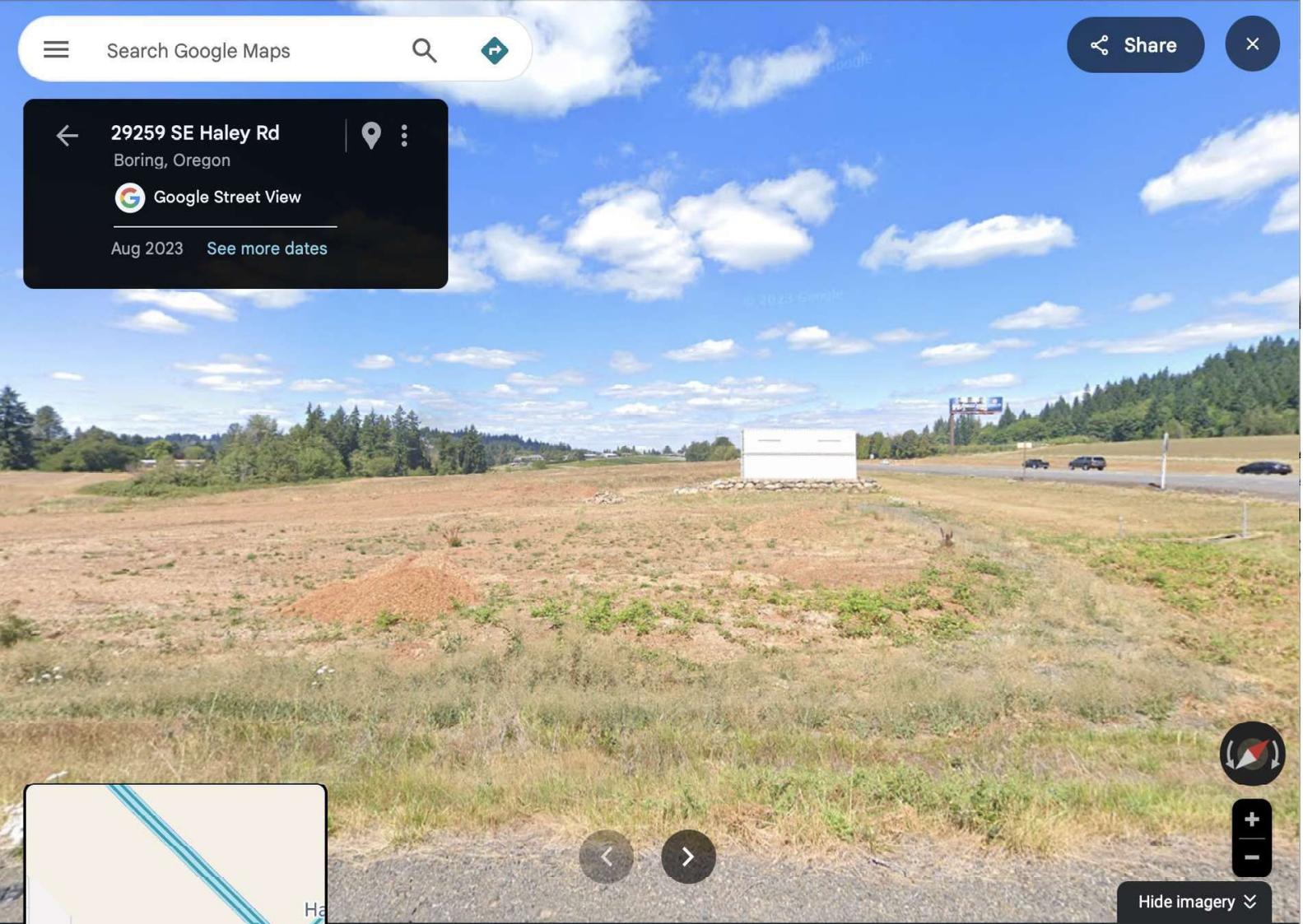




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← 29259 SE Haley Rd
Boring, Oregon
Google Street View
Aug 2023 See more dates



Hide imagery

From: Benthin, Kim KimBen@clackamas.us 

Subject: 29225 SE Haley Rd V0049121

Date: January 21, 2025 at 5:21 PM

To: Aaron Shelley MHC aaron@mthoodcenter.com

Cc: Barnes, Michael MBarnes@clackamas.us, Dale Burkholder daleburkholder@rocketmail.com, Dan operations@mthoodcenter.com

KB

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>

Sent: Thursday, January 16, 2025 1:29 PM

To: Benthin, Kim <KimBen@clackamas.us>

Cc: Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>

Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please

respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?

I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045
Violation File No.# V0049121

October 21, 2024

Cassius LLC
Dean Najdawi, Registered Agent
29450 SE Lantai Ln
Boring OR 97009

Dale Burkholder
VIA email

**Subject: Violations of the Clackamas County Building Code Title 9
Chapter 9.02.040(A) and Zoning and Development Ordinance Section
1010.02 (B,C) 1010.05 and 401.**

Site Address: 29225 SE Haley Rd, Boring, OR 97009
Legal Description: T1S, R3E, Section 31A, Tax Lot 00700

This is in follow up to a telephone conversation with Dale Burkholder on October 10th, 2024 regarding bringing the above referenced property into compliance.

The building code requirements and the need for permits and inspections for the stacked cargo containers were discussed. The signs painted on the side of the containers are a zoning violation, as well as a concern of ODOT's.

The stacked cargo container sign is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code, and the Zoning and Development Ordinance Sections 1010.02 (B,C) 1010.05 and 401.

In order to abate the violations, please complete one of (or a combination of) the following options **not later than November 21, 2024**:

- Please submit, or have your professional submit, building permit application(s), appropriate fees(s) and all construction documents of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building code and relevant laws:
 - Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

P. 503.742.4400

F. 503.742.4272

WWW.CLACKAMAS.US

Or:

- Remove the Cargo

Submitted permit documents and Zoning Division. The containers of the zoning district standards are to remain the containers are to remain the fee be removed. If you have ques 742-4500 or zoninginfo@clack

For information on the permit https://www.clackamas.us/dev

If you have questions concern process, please contact the Bu bldservice@clackamas.us. Yo https://www.clackamas.us/bui Beavercreek Road, Developm open between the hours of 8 a closed to the public on Fridays recommended that you check before visiting.

If you have any questions for kimben@clackamas.us.

Kimberly Benhin
Code Enforcement Specialist
Code Enforcement Section

Containers from the property.

will be subject to the review and approval of the Planning
struction and use must meet the requirements and
st applied to the subject property. For instance, if the cargo
ainted signs will require land use authorization or need to
tions please contact Planning and Zoning Division at 503-
ckamas.us.

ing process please refer to the County's website at
velopment-direct.

ng the building permit requirements or the submittal
ilding Codes Division at 503-742-4240, or via email at
u may also find information on the County's website at
ding. You may visit the County's offices at 150
ent Services Building, Oregon City. The lobby hours are
m. to 4 p.m., Monday, to Thursday. The building is
s, but we are available online and by phone. It is
the Clackamas County webpage for hours of operation

me you may contact me at 503-742-4457 and my email is







Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RF: Oregon Administrative Rules for ORS 377- Oregon Motorist

Subject: RE: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

Date: November 7, 2022 at 3:28:40 PM PST

To: Aaron Shelley <Aaron@MtHoodCenter.com>

Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I wanted to provide you with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

If you've read the FAQs for each type of sign and you still have questions or want to "sign" your business up, contact the Sign Program staff:

- Sue VanHandel, Sign Program Assistant: 503-373-0086
- Diane Cheyne, Sign Program Administrator: 503-373-0871

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, November 7, 2022 8:03 AM

To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious

Hi Alex,

Just to recap our verbal agreement, I wanted to get this down in writing for both our records.

We received a \$500 deposit on June 25th to hold the containers until arrangements could be made for you to unstack and move the containers.

On July 5th, you paid the remaining balance of \$3500.

Per our understanding, you will be working on getting the containers unstacked and removed from the property by July 10th, 2025.

Thank you for your purchase and we hope you are able to put the containers to good use!

It has been a pleasure working with you.

Sincerely,

Dan Barton

Operations Manager

Mt Hood Center

Exhibit F Inventory of Agricultural and Equestrian Items Stored in Containers

The two containers on the Haley Rd property were used to store equipment and materials directly related to equestrian operations, farm maintenance, and land use. The following items were stored in the containers after we discontinued our lesson program in July 2024, following Clackamas Countys shutdown of our operations:

1. Equestrian Equipment

- Saddles (Western)
- Bridles, halters, reins
- Saddle pads and blankets
- Grooming kits and supplies
- Riding helmets and protective gear

2. Animal Feed & Supplies

- Feed bags (grain, pellets, supplements)
- Storage bins and scoops
- Buckets and waterers
- Hay nets and slow feeders

3. Groundskeeping Tools

- Wheelbarrows
- Muck rakes and manure forks
- Pitchforks and shovels
- Hoses and spray nozzles
- Fuel cans and small maintenance tools

4. Arena and Trail Course Maintenance

- Drag mats and rakes
- Fence posts and rails
- Cones and markers
- Barrels and jump poles
- Sandbags and anchoring materials

5. Storage and Support Equipment

- Tarps and tie-downs
- Folding saw horses and workbenches
- Spare tires and trailer accessories
- Rope, cable, and fencing tools
- Pest control and first-aid supplies

All of these items were used in the course of normal farm and equestrian operations at Mt. Hood Center and were consistent with "farm use" under ORS 215.203 and Clackamas Countys EFU zoning.

Exhibit G Zoning Support and Legal Exemption Basis for Agricultural Storage

The subject property (Haley Rd, Boring, Oregon) is zoned EFU (Exclusive Farm Use). Under this designation, agricultural activities and their supporting structures are protected and governed by specific statutes and exemptions under Oregon law.

According to ORS 455.315 (1):

A person is not required to obtain a building permit under the state building code for the construction, alteration or repair of an agricultural building. For purposes of this section, an agricultural building is a structure located on a farm and used in the operation of the farm for storage, maintenance or repair of farm machinery and equipment, the raising and handling of livestock, or the production, storage or processing of agricultural or horticultural products.

Key Supporting Points:

- The containers functioned solely as storage structures for equestrian and farm-related materials, as detailed in Exhibit F.
- Their use was directly connected to farm operations on EFU-zoned land.
- No human occupancy or commercial activity was associated with the containers.
- No changes were made that would trigger review under structural or commercial code requirements.
- No building violation was ever issued prior to the Countys demand for removal.

Additionally, the Clackamas County Zoning and Development Ordinance (ZDO) recognizes that agricultural buildings in EFU zones may qualify for exemption under similar criteria.

Operating Parameters

RECEIVED

JUL 09 1982

CLACKAMAS COUNTY
PLANNING DEPARTMENT



902 ABERNETHY ROAD
OREGON CITY, OREGON 97045
(503) 655-8521

WINSTON W. KUNTZ
Assistant Director
DON D. BRADSHAW, PhD
Operations Director
DAVID J. ABRAHAM
Utilities Director
DAVID R. SEIGNEUR
Planning Director
RICHARD L. DOPP
Development
Services
Administrator

JOHN G. MCINTYRE
Director

FINDINGS AND DECISION OF THE HEARINGS OFFICER

File No. 829-81-C, I

Applicant: Walter R. Dorrrough, PO Box 38, Boring, Ore. 97009

Proposal: (1) Interpretation of the determination of the Planning Division staff that an earlier Conditional Use Permit for a riding stable became invalid at the time a later Conditional Use Permit was approved for General Telephone Co. (2) A Conditional Use Permit to use existing improvements on the property as a riding stable-horse arena. Up to 190 horses would be boarded and there would be approximately 10 horse shows per year. Shows would range from 30 to 300 horses with portable stalls accommodating the overflow from the stable. Tax Lot 1400 would only be used for any overflow parking.

Date Application Filed: May 3, 1982
Decision Rendered: June 7, 1982
Last Date to Appeal: July 22, 1982

Planning Division Recommendation: Denial of the requested interpretation. Approval of the requested conditional use permit, subject to conditions.
Staff Representative: Terry Curry

Public Hearing: The public hearing was held at the Department of Environmental Services, 902 Abernethy Rd., Oregon City, Oregon on June 7, 1982 at 3:00 o'clock p.m.

Speaking in Support of Request:

1. Walter Dorrrough, PO Box 38, Boring, Oregon 97009
2. Douglas Bragg, 25100 S.W. Garden Acre Rd., Sherwood, Oregon
3. Gary Dillon, address unknown.
4. Debbi Freauf, 16919 S.E. Bartell Rd., Boring, Oregon
5. Esther Cate, 26115 S.E. Sunshine Valley Rd., Gresham, Oregon
6. Lou Ayer, 1700 N.E. 134th Place, Portland, Oregon

Conditional Use Conditions

- You will need septic approval first*
1. Approval by the Department of Environmental Services, Soils Division of the means of subsurface sewage disposal.
 2. Proper sanitation shall be maintained at all times. The applicants shall make provision for adequate means of manure disposal. This condition is intended to minimize the impact on surrounding properties by the manure odor.
 3. Operation of the subject property as a riding stable and arena shall be conducted between the hours of 8:00 o'clock A.M. and 11:00 o'clock P.M.
 - 4. Any signs advertising the use of this facility shall be subject to Design Review approval.
 - 5. Any exterior changes to the existing building shall be subject to Design Review approval. *See attached*
 - 6. There shall be no direct access to Hwy 26.
 - 7. All horse riding associated with the approved stable facilities shall be conducted on the subject property.
 - 8. Design Review approval of parking, landscaping, and on-site circulations.
 - 9. The portable stalls shall be set up and used only to accommodate overflow from the stable.
 - 10. The parking area on tax lot 1400 shall be used only for overflow parking.
 11. Approval is for the basic revised site plan submitted by the applicant (see exhibit #18) to the extent it is consistent with all other conditions of approval.
 12. Approval is subject to the above stated conditions. Failure to comply with all conditions of approval will be cause for revocation of this permit.

DATED this 7th day of July, 1982

Richard Fleet
 HEARINGS OFFICER

Copy mailed to applicant
 this 7th day of July, 1982

Richard Fleet
 HEARINGS OFFICER

Design Review Conditions

Decision. Approval subject to the following conditions:

See
Reverse

1. The applicant shall satisfy those conditions of the conditional use permit as identified in 829-81-C,I,D.
2. The applicant shall secure approval of the method of subsurface sewage disposal through the Clackamas County Soils Department.
- 3. The applicant shall satisfy and meet those health standards and regulations as determined by the Clackamas County Health Department. *See specific requirements in my letter.*
- 4. There shall be no parking of automobiles, trailers, or related vehicles on S.E. Lariat Lane.
- 5. The applicant shall avoid the most southerly area that is lower in elevation than the immediate facility. This area shall be used as an overflow area only.
- 6. The proposed parking area on tax lot 1400 shall be used on an overflow basis only.
- 7. The traffic lane shall remain open around the entire facility to facilitate emergency vehicle access when necessary. Under no circumstances shall this "lane" be blocked through the parking of vehicles.
- 8. This approval is contingent upon implementing the submitted landscape plan approved by the staff, including the following revisions:
 - a. The applicant shall place groupings of Shore Pine, minimum three to a group, every 15 feet along the east property line of tax lot 1400 to screen the residence to the east. *→ Please verify*
- 9. Proposed signing shall be reviewed by the Planning Department staff prior to placement.

JB:elk
2/5-6

EX # 18
829-81-C, I

HIGHWAY 26

ROADWAY EASEMENT

DARTIALLY COMPLETED HOUSE

46,000 sq ft
APPRX.
78 SPACES

EXISTING BUILDING
(MT. HOOB STATION)
96,140 sq ft

100,100 sq ft
APPRX.
131 SPACES

21,450 sq ft
APPRX. 27 TRUCK SPACES

EXISTING BUILDING

12,000 sq ft
APPRX. 14 SPACES

DU-SITE ROAD

16,000 sq ft
port-a-stall area

POND
15.43 ACRES

CUTBANK AREA - UNUSED

655'

1" = 100'

SITE PLAN
T1S, R4E SEC. 31

Exhibit I

Agricultural Equipment Storage at Haley Road -- Legal Basis and Operational Justification

The storage of equestrian equipment within the two containers located on the Haley Road parcel (owned by Cassius, LLC) constitutes a lawful and exempt agricultural use under Oregon law and the Clackamas County Zoning and Development Ordinance (ZDO). This remains true even though the horses are primarily ridden or housed at a separate EFU-zoned parcel--29450 SE Lariat Lane--because both parcels are part of the same coordinated farm operation and fall under shared management and agricultural purpose.

Operational Relationship Between Sites

The Haley Road and Lariat Lane parcels serve complementary roles in the larger agricultural operations of Mt. Hood Center. While active horse care and riding typically occur at 29450 SE Lariat Lane, the Haley Road property is used to store essential agricultural and equestrian equipment, such as:

- Saddles, bridles, tack, and feed containers
- Wheelbarrows, muck tools, and fencing supplies
- Arena grooming tools and irrigation hoses

These items are not idle or decorative; they are used regularly for land and animal management across both sites. The operational continuity, shared staff, and common use purpose establish these parcels as part of a single agricultural system.

Legal Basis Under ORS 215.203

Oregon Revised Statutes § 215.203 defines "farm use" broadly to include:

"...the current employment of land for the primary purpose of obtaining a profit in money by... the feeding, breeding, management and sale of livestock... and the preparation and storage of the products raised on such land for human or animal use."

Nowhere in the statute is it required that the land be contiguous. Oregon law permits farm operations to span multiple parcels--whether adjoining or not--so long as they are functionally and operationally connected. The law also recognizes that storage and support functions may occur on one parcel in service of livestock or equestrian activities performed on another.

Zoning Compliance Under Clackamas ZDO 401

ZDO 401.04(A) affirms that EFU-zoned land may be used for:

"...the storage, maintenance, and repair of equipment and facilities used for agricultural operations."

The code does not require such operations to occur exclusively on one tract, nor does it mandate adjacency. What matters is that the land be used in support of farm activities, consistent with the definition in ORS 215.203.

In practice, Clackamas County and other Oregon jurisdictions routinely recognize the legitimacy of multi-parcel farm operations, especially where:

- Both parcels are zoned EFU,
- Common ownership, leasehold, or management exists, and
- The uses are clearly agricultural in nature.

This is particularly important in areas where property boundaries are fragmented or shaped by legacy land divisions or infrastructure (e.g., roads, easements).

Summary

The Haley Road containers are lawfully used for the storage of equipment that directly supports a broader agricultural use involving equestrian care, pasture maintenance, and land management. The fact that this storage occurs on a different (but similarly zoned) parcel from where horses are housed or ridden does not disqualify it from farm use protection.

This practice is explicitly supported by:

- ORS 215.203(2) - which permits off-site preparation and storage,
- ZDO 401 - which defines permissible farm uses without requiring contiguity, and
- Standard administrative practice across Oregon for integrated EFU operations.

Accordingly, the enforcement actions targeting the containers on Haley Road are misapplied, both factually and legally. They disregard the functional relationship between the parcels and the exempt status of the storage use under applicable law.

From: Benthin, Kim KimBen@clackamas.us 

Subject: 29225 SE Haley Rd V0049121

Date: January 21, 2025 at 5:21 PM

To: Aaron Shelley MHC aaron@mthoodcenter.com

Cc: Barnes, Michael MBarnes@clackamas.us, Dale Burkholder daleburkholder@rocketmail.com, Dan operations@mthoodcenter.com

KB

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>

Sent: Thursday, January 16, 2025 1:29 PM

To: Benthin, Kim <KimBen@clackamas.us>

Cc: Dale Burkholder <daleb Burkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>

Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please

respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?

I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045
Violation File No.# V0049121

October 21, 2024

Cassius LLC
Dean Najdawi, Registered Agent
29450 SE Lantai Ln
Boring OR 97009

Dale Burkholder
VIA email

**Subject: Violations of the Clackamas County Building Code Title 9
Chapter 9.02.040(A) and Zoning and Development Ordinance Section
1010.02 (B,C) 1010.05 and 401.**

Site Address: 29225 SE Haley Rd, Boring, OR 97009
Legal Description: T1S, R3E, Section 31A, Tax Lot 00700

This is in follow up to a telephone conversation with Dale Burkholder on October 10th, 2024 regarding bringing the above referenced property into compliance.

The building code requirements and the need for permits and inspections for the stacked cargo containers were discussed. The signs painted on the side of the containers are a zoning violation, as well as a concern of ODOT's.

The stacked cargo container sign is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code, and the Zoning and Development Ordinance Sections 1010.02 (B,C) 1010.05 and 401.

In order to abate the violations, please complete one of (or a combination of) the following options **not later than November 21, 2024**:

- Please submit, or have your professional submit, building permit application(s), appropriate fees(s) and all construction documents of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building code and relevant laws:
 - Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

P. 503.742.4400

F. 503.742.4272

WWW.CLACKAMAS.US

Or:

- Remove the Cargo

Submitted permit documents and Zoning Division. The containers of the zoning district standards are to remain the containers are to remain the fee be removed. If you have ques 742-4500 or zoninginfo@clack

For information on the permit https://www.clackamas.us/dev

If you have questions concern process, please contact the Bu bldservice@clackamas.us. Yo https://www.clackamas.us/buil Beavercreek Road, Developm open between the hours of 8 a closed to the public on Fridays recommended that you check before visiting.

If you have any questions for kimben@clackamas.us.

Kimberly Benhin
Code Enforcement Specialist
Code Enforcement Section

Containers from the property.

will be subject to the review and approval of the Planning
struction and use must meet the requirements and
st applied to the subject property. For instance, if the cargo
ainted signs will require land use authorization or need to
tions please contact Planning and Zoning Division at 503-
ckamas.us.

ing process please refer to the County's website at
velopment-direct.

ing the building permit requirements or the submittal
ilding Codes Division at 503-742-4240, or via email at
u may also find information on the County's website at
ding. You may visit the County's offices at 150
ent Services Building, Oregon City. The lobby hours are
m. to 4 p.m., Monday, to Thursday. The building is
s, but we are available online and by phone. It is
the Clackamas County webpage for hours of operation

me you may contact me at 503-742-4457 and my email is







Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RF: Oregon Administrative Rules for ORS 377- Oregon Motorist

Subject: RE: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

Date: November 7, 2022 at 3:28:40 PM PST

To: Aaron Shelley <Aaron@MtHoodCenter.com>

Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I wanted to provide you with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

If you've read the FAQs for each type of sign and you still have questions or want to "sign" your business up, contact the Sign Program staff:

- Sue VanHandel, Sign Program Assistant: 503-373-0086
- Diane Cheyne, Sign Program Administrator: 503-373-0871

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, November 7, 2022 8:03 AM

To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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of the information you share if you respond.





Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 2, 2022, at 3:10 PM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does “not qualify” under the program statute and rules. There is no access at that point for customers at that location and the area is not a developed parking area. Simply having overflow parking in a field does not afford the ability to have a sign structure under OAR 734-059-0040.

As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal violation process.

Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040

Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund
Program Analyst

Oregon Department of Transportation
Outdoor Advertising Sign Program
Engineering and Technical Services Branch
4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302
Office Cell phone: 971-375-8148
Fax: 503.986.3625
Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Aaron Shelley <Aaron@MtHoodCenter.com>
Sent: Wednesday, November 2, 2022 2:51 PM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9). Regarding our storage containers use for storage for Mt Hood Center, that lot *is* controlled by Mt Hood Center and used for parking for our patrons amongst other things. And, as you mentioned, The state does not require permits for signs that are at a place of business, where there is a business activity. Parking obviously being a major component of business activity. I hope that helps to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence? When I initially researched the signs before hanging them, I thought I had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before

hanging the signs. Now I'm assuming I missed something in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R
<Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign laws in Oregon.

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign companies, whom rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legislative mandates. Those limitations come with size restrictions and limitations on how far a sign relocation credit can be moved within the state, along with zoning, size, distance from other existing signs and highway beautification locations to name a few.

I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a relocation credit is an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and rules all potential new sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industrial. I did not research the location in question, but my first indication is the property where the shipping containers are would be some level of AG. In addition to the zoning requirement, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT web site.

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement from the location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation credits that may be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop and physically engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state is content neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood Event Center ?

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you is for all ad copy on

applying for a permit. The best I can offer you, is for all ad copy on the shipping containers to be removed or covered up prior to the 30 – day date for compliance noted in the notice. If the messaging is still visible on the 31st day, then the program will be required by law to move forward with the formal violation process.

If the shipping containers are being used for storage at this time, then the containers may stay on site, but cannot have any level of ad copy or advertising placed on them.

I hope this helps clarify the program requirements under the Oregon Motorist Information Act (OMIA).

I would be amiss, if I did not bring the signs below to your attention. Signs such as in the photo below are not allowed to be placed on the outside of the fence. Signs such as these can be placed inside the business area, but cannot be on the outside of the fence as this area the states right of way, and no signs other than official signs can be placed on or within the states right of way.

Future signs will need to be placed inside the fence.

<image009.png>

Please feel free to reach out with any additional questions you may have.

Kindly,

Debbie Lund

Program Analyst

Oregon Department of Transportation

Outdoor Advertising Sign Program

Engineering and Technical Services Branch

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Office Cell phone: **971-375-8148**

Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing

to: Deborah.Lund@odot.oregon.gov

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THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expedious removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway** apportionment

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

To determine if a sign is considered an outdoor advertising

to determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things**:

1. Location-signs not at the site of some type of business or activity that is open to the general public

2. Compensation- If compensation is exchanged for either ad copy or for the right to place the sign at its location.

If **either** of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising <OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon Jill.

Thank you for all of the information contained within your email. I would like to apply for what I believe to be called the outdoor sign using relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on violation in question so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just got back in the country Friday and have not had much time to review the letter we had received while gone, much less the abundance of information now before us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M
<Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Mornina Aaron & Dean.

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center for the signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377, including 377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under ORS 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the definition of an Outdoor Advertising Sign in ORS 377.710(21):

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Divisions 59, 60, 62-65. I’m attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as the remaining rules can be accessed from the Oregon Secretary of State’s website

<http://www.oregon.gov/secretary/boards/divisions/ChapterRule>

at:<https://secure.sos.state.or.us/oard/displayChapterRule.s.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that there are restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit that will be used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign will meet all requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relocation credit, prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, so please feel free to review the information with your legal counsel, as desired; and do please let myself, or our program analyst, Deborah Lund, know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email at OutdoorAdvertising@odot.oregon.gov, or via phone using the contact number in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed
to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031 ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc>
<377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.docx><377.745 - Size.doc><377.750 - Spacing.doc><377.767 - Relocation.doc><734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.docx><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>



A screenshot of a web browser displaying the "2023 Oregon Residential Specialty Code" website. The page title is "Chapter 1 Scope and Administration". The left sidebar shows a table of contents with "Chapter 1 Scope and Administration" selected. The main content area shows a heading "R105.2 Work exempt from permit." followed by a paragraph of text. The text includes phrases like "Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner violation of the provisions of this code or any other laws. Nothing in this code limits a local municipality's ability to require application of ordinances or to enforce its own ordinances. See Section R101 for the application and scope of this code. Permits shall not be required the following:".

- > Part II—Definitions
- > Chapter 2 Definitions
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- > Chapter 13 General Mechanical System Requirements
- > Chapter 14 Heating and Cooling Equipment and Appliances
- > Chapter 15 Exhaust Systems

2019 Oregon Structural Specialty Code
 2018 IBC Amended
 Effective Date: Oct 01, 2019
 Version: Aug 2019

CONTENTS NOTES

- ▼ Chapter 1 Scope and Administration
 - > Part 1 Scope and Application
 - > Part 2 Administration and Enforcement
- > Chapter 2 Definitions
- > Chapter 3 Occupancy Classification and Use
- > Chapter 4 Special Detailed Requirements Based on Occupancy and Use
- > Chapter 5 General Building Heights and Areas
- > Chapter 6 Types of Construction
- > Chapter 7 Fire and Smoke Protection Features
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- > Chapter 10 Means of Egress
- > Chapter 11 Accessibility

Building:

1. Nonhabitable one-story detached accessory structures, provided that the building area does not exceed 200 square feet (18 m²) and does not exceed a height of 15 feet (4572 mm) measured from grade plane to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the building area may be increased to 400 square feet (37.16 m²).

2. Concrete sidewalks, slabs, platforms, driveways and similar work.
3. Painting; papering; tiling; carpeting; cabinets; countertops; nonfire-resistance-rated interior wall, floor or ceiling covering and shelving and similar work.
4. Above-grade and on-ground swimming pools.
5. Swings, other playground equipment and similar work.
6. Porch covers, deck covers and patio covers as defined in Section AH102, not more than 200 square feet (18.58 m²) in floor area and not closer than 3 feet (914 mm) to lot lines.
7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonbearing partitions.

Exceptions:

1. Partitions that create habitable space.
2. Partitions required to be fire-resistance rated.
9. Replacement or repair of siding not required to be fire-resistance rated.
10. Porches and decks where the walking surface is not more than 30 inches (762 mm) above adjacent grade measured at a point within 3 feet (914 mm) horizontally of the walking surface.
11. Masonry repair.
12. Retrofitted insulation.
13. Gutters and downspouts.
14. Door and window replacements. Window replacements shall comply with Section R308 and Chapter 11, as applicable.

Exceptions: Permits are required for the following:

Codes / Oregon / 2019 Oregon Structural Specialty Code

BASIC REAL

Chapter 1 Scope and Administration

Fullscreen ⓘ

105.2 Work exempt from permit.

📄 📖 🖨 🌐

Permits shall not be required for the following:

> **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Oil derricks.
3. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
9. Farm or forest use agricultural buildings exempted in ORS 455.315 (see also Appendix C).
10. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

24-12-09 Research 07-01 Cargo Shipping Containers.pdf 

24-12-19 email exchange w Dan .pdf 

24-12-30 Email w Dan.pdf 

From: Aaron Shelley MHC aaron@mthoodcenter.com 
Subject: 29225 SE Haley Rd, Boring, OR Violation File No.# V0049121
Date: November 4, 2024 at 3:42 PM
To: Greg Hathaway greg@hathawaylarson.com



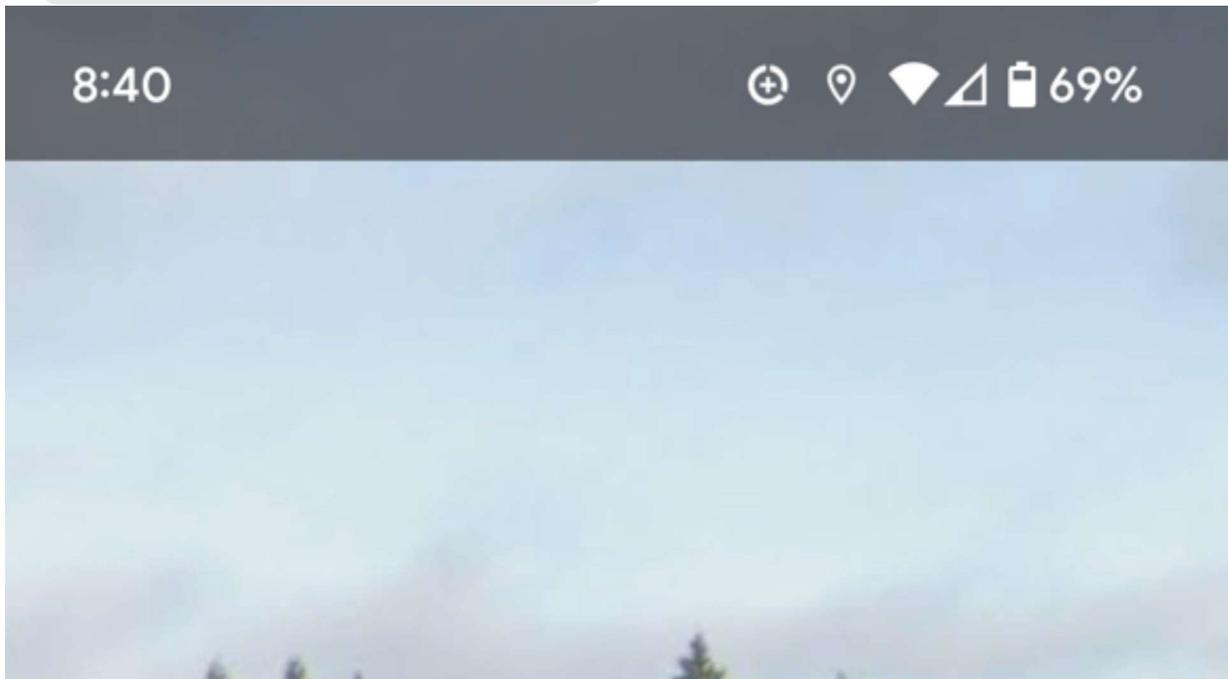
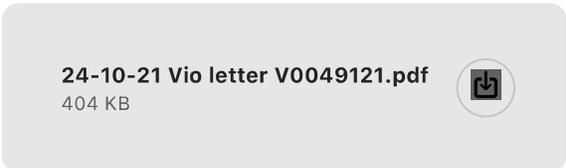
Greg,

I'm trying to sell this property:
Site Address: 29225 SE Haley Rd, Boring, OR 97009
Legal Description: T1S, R3E, Section 31A, Tax Lot 00700

Kim Benthin is impeding the sale with this erroneous violation letter. *Violation File No.# V0049121* Our real estate agent is reluctant to list the property with an outstanding violation. Our real estate agent already informed her prior to issuing the violation letter of the information provided below. The details are supported by the google earth photos from a year go. She refused to listen to our agent and then subsequently sent this violation letter AFTER we told her the signs did not exist.

The letter MHC received from Kim Benthin dated October 21,2024 references building codes and zoning and development ordinance relating to signage, since the signage was removed by MHC back in 2022, this letter's alleged violation is non-existent. Some due diligence and perhaps more attention to detail would have saved both parties time and effort in both creating and responding to the alleged violation. Below is supporting evidence of compliance (see google earth photos).

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>





29300 SE Haley Rd

a year ago · [See more dates](#) >



8:40

Signal strength, location, Wi-Fi, cellular, battery 69%





29300 SE Haley Rd

a year ago · [See more dates](#) >



From: Dale Burkholder daleburkholder@rocketmail.com 
Subject: E MAIL KIM BENTHIN CODE COMPLIANCE
Date: November 14, 2024 at 9:25 AM
To: Aaron Shelley aaronshelley67@gmail.com



Hello Aaron

See attached msg from Kim after my meeting with her on Monday.

Let me know what you choose

Regards
Dale Burkholder

29225 SE HALEY RD KIM
BENTHIN LETTER 11.12.24.pdf



From: Aaron Shelley aaron@mthoodcenter.com
Subject: Fwd: 29225 SE Haley Rd File # V0049121
Date: October 21, 2024 at 9:23 PM
To: Greg Hathaway greg@hathawaylarson.com



Hi Greg. Kimberly Benthin is ant it again. She obviously hasn't performed an investigation of this Container situation. The containers have been in position for well over two years. The signage she refers to was removed over two years ago after I had a phone conversation about the permissibility with ODOT.. Clearly, Kimberly has not performed the investigation that we are entitled to as part of the due process when there is an alleged code violation. Had she simply driven by the containers located on Highway 26, she would have seen that there is no signage on the Containers. This this is yet another attempt by her to slander and libel the reputation of Mt. Hood Center and its owner.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: Aaron Shelley <aaronshelley67@gmail.com>
Date: October 21, 2024 at 9:14:28 PM PDT
To: Dale Burkholder <daleburkholder@rocketmail.com>
Subject: Re: 29225 SE Haley Rd File # V0049121

Would you please look into the code as far as containers are concerned. I don't believe there's any code against stacking containers. Dean Brown, Kim Benthin's predecessor, said that you could stack the containers as high as you wanted to in RRRF5 zoning. That there are no prohibitions.

Additionally, the signage has been removed from the side of the Containers for over two years. She's referring to that as a violation, but there is no violation, which I'm sure she is fully aware yet is playing this card to try and put another nail in the Mt. Hood Center coffin.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
<https://www.facebook.com/coachaaronshelley>

On Oct 21, 2024, at 5:48 PM, Dale Burkholder <daleburkholder@rocketmail.com> wrote:

Received today

Sent from my iPhone

Begin forwarded message:

From: "Benthin, Kim" <KimBen@clackamas.us>
Date: October 21, 2024 at 1:24:26 PM PDT
To: Dale Burkholder <daleburkholder@rocketmail.com>
Subject: 29225 SE Haley Rd File # V0049121

Dale,

Here is the notice for the Haley Rd property. It went into the mail today. I imagine it is possible for the weather to delay the use of the crane – please let me know if you have scheduled the crane. I can accommodate the crane's schedule – but only if I am notified ahead of the deadline.

Thanks,

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

<image003.png>



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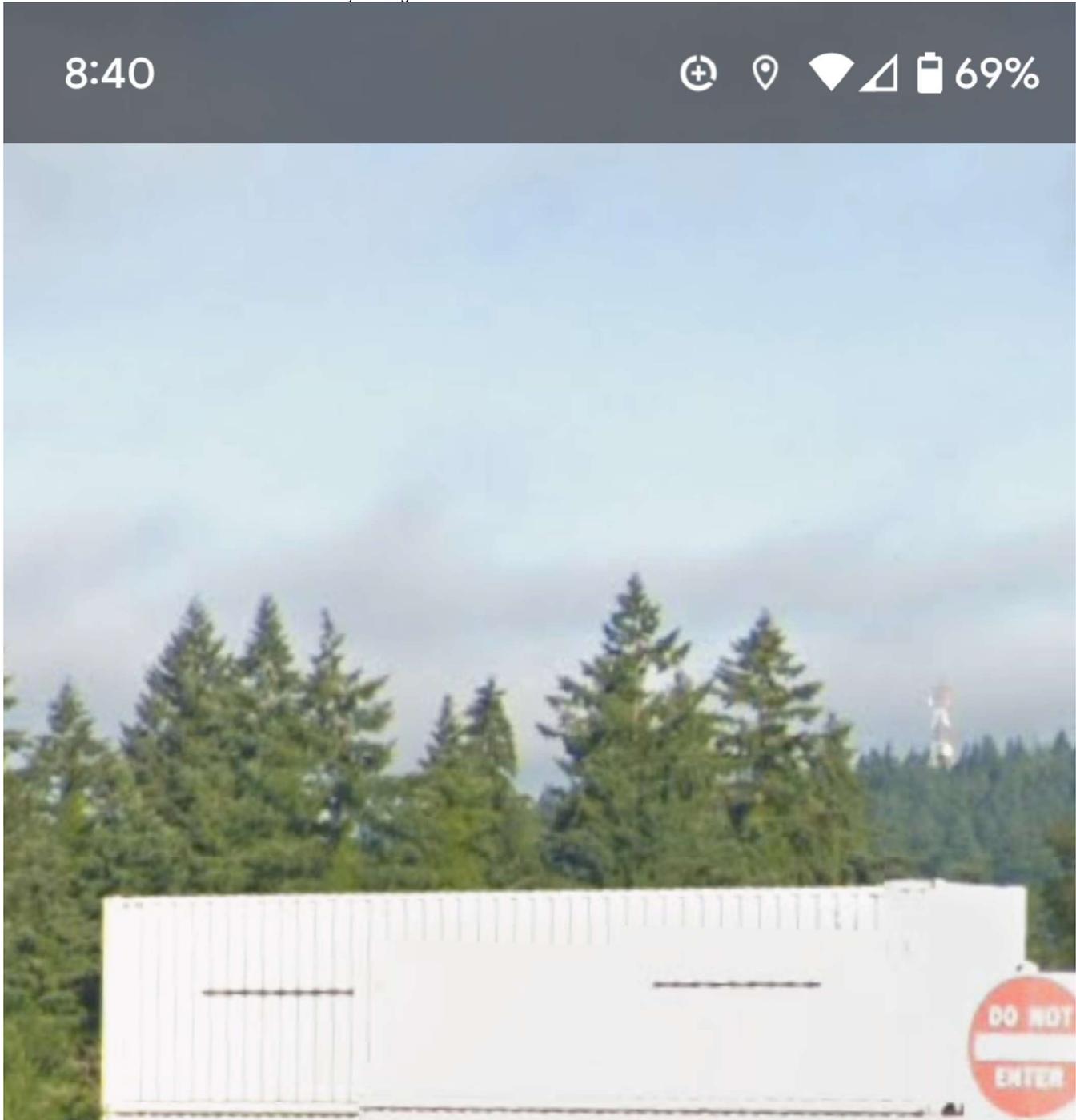
<24-10-21 Vio letter V0049121.pdf>

From: Aaron Shelley MHC aaron@mthoodcenter.com 
Subject: Fwd: 29225 SE Haley Rd File # V0049121 with photos
Date: October 22, 2024 at 9:34 AM
To: Greg Hathaway greg@hathawaylarson.com



Hi Greg. Kimberly Benthin is ant it again. She obviously hasn't performed an investigation of this Container situation. The containers have been in position for well over two years. The signage she refers to was removed over two years ago after I had a phone conversation about the permissibility with ODOT.. Clearly, Kimberly has not performed the investigation that we are entitled to as part of the due process when there is an alleged code violation. Had she simply driven by the containers located on Highway 26, she would have seen that there is no signage on the Containers. This this is yet another attempt by her to slander and libel the reputation of Mt. Hood Center and its owner.

See attached Google Earth photos from over a year ago. I can also provide a statement from the employee that removed the vinyl stickers from the side of the container over two years ago.





29300 SE Haley Rd

a year ago · [See more dates](#) >

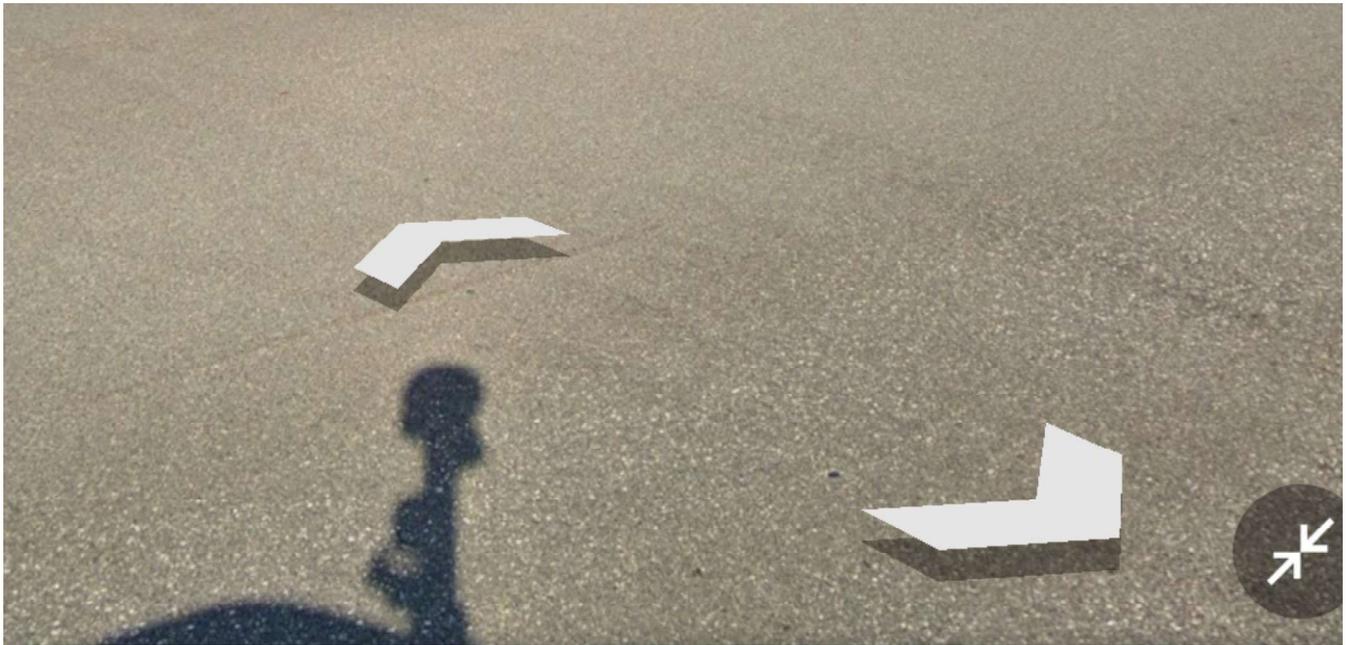


8:40



69%





29300 SE Haley Rd

a year ago · [See more dates](#) >



Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
[503-841-8869](tel:503-841-8869)
<https://www.facebook.com/coachaaronshelley>

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and put another man in the Mt. Hood Center comm.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
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Lobby hours 8 a.m. to 4 p.m. Monday to Thursday
www.clackamas.us

<image003.png>

From: Dale Burkholder daleburkholder@rocketmail.com  
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www.clackamas.us

Were you happy with the service you received today?



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24-10-21 Vio letter V0049121.pdf
369 KB



From: Dan operations@mthoodcenter.com
Subject: Fwd: Case v0049121
Date: December 19, 2024 at 4:45 PM
To: Aaron Shelley MHC aaron@mthoodcenter.com



Response from Kim.

Begin forwarded message:

From: "Benthin, Kim" <KimBen@clackamas.us>
Subject: RE: Case v0049121
Date: December 19, 2024 at 4:20:00 PM PST
To: Dan <operations@mthoodcenter.com>

Hello Dan,

I am not certain how this property is related to the Mt Hood Center? I know it once had the Mt Hood Center sign on the containers, but this is a different ownership.

The October 21, 2024 letter that was sent to Cassius LLC referenced Clackamas County Clackamas County Building Code Title 9 Chapter 9.02.040(A) and Zoning and Development Ordinance Section 1010.02 (B,C) 1010.05 and 401.

I do not know what you are referring to when you state: "replied to this with documentation"? I am not aware of any documentation being provided regarding the signage on the containers.

The citation is only addressing the Building Code Violation.

I have attached the Clackamas County Building Codes memo on cargo/shipping containers used as accessory structures to this email, hopefully you will find it helpful.

The path to compliance for the cargo containers is:

1. Permitting or
2. Submittal of an agricultural exemption. Or
3. Removal.

It is also possible for the structures to be exempt from permitting without an agricultural use. However, the structures do not meet the parameters for exemption at this time. I have included the exemptions with this email for your review. The containers do not meet the exemptions because of height and the stacking.

If you want additional details on permitting requirements or agricultural exemption submittals, you may contact the Building Codes Division at blbservice@clackamas.us or 503-742-4240

Let me know if you have any additional questions. I'm happy to help.

Kimberly Benthin
503-742-4457
Clackamas County

From: Dan <operations@mthoodcenter.com>
Sent: Wednesday, December 18, 2024 4:54 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Case v0049121

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

Hi Kim,

We haven't met yet, but I am the operations manager for the Mt Hood Center and I have been working with Aaron to try and get things all dialed in so that we are in compliance.

I am emailing you in regard to case V0049121, we received your letter on 10/21 referencing ZDO 1010.02 (B, C) 1010.05 and 401.

We replied to this with documentation that the signage on the containers located at the address 29225 SE Haley Rd, Boring, OR 97009 had been removed a couple years ago, however we received a Administrative Citation letter on 12/9 stating that we have violated Laws and that the "Two cargo containers have been placed on site without proper permitting and inspections and without an agricultural exemption".

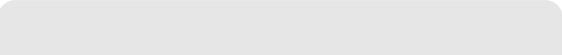
I am having a difficult time locating any specific requirements for permitting and inspection of these containers and unfortunately the Administrative Citation only references the Building codes as they pertain to the Oregon Structural Specialty Codes, can you direct me to where the above violation codes are within the stated laws that were broken, specifically in regard to permitting, inspection and need for agricultural exemption for storage containers?

As you know we have been working with Dale Burkholder to list this property for sale, as a condition of any potential sale we are working to get these containers removed, however the company we have contracted with have not been available to get that done but it is slated to occur.

I want to ensure we are able to rectify any violation ASAP, however not having the specific codes to reference in regard to the violation makes any attempt by us all the more difficult. Any clarity you can provide would be greatly appreciated.

Thank you for your time and assistance.

Dan Barton
Operations Manager
Mt Hood Center



Cargo Container used as accessory structures .pdf



2023 Oregon Residential Specialty Code
2021 IRC Amended
Effective Date: Oct 01, 2023
Version: Dec 2023

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- Chapter 1 Scope and Administration
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 - Chapter 15 Exhaust Systems

Codes / Oregon / 2023 Oregon Residential Specialty Code

BASIC RE

Chapter 1 Scope and Administration

Fullscreen

The creation of new habitable spaces, new toilet rooms or new bathrooms shall require a building permit.

R105.2 Work exempt from permit.

Full Screen

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner violation of the provisions of this code or any other laws. Nothing in this code limits a local municipality's ability to require application of ordinances or to enforce its own ordinances. See Section R101 for the application and scope of this code. Permits shall not be required the following:

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Codes / Oregon / 2019 Oregon Structural Specialty Code

BASIC REA

Chapter 1 Scope and Administration

Fullscreen

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Full Screen

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7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (137. mm) from the exterior wall and do not require additional support.
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 - Chapter 10 Means of Egress
 - Chapter 11 Accessibility



From: Aaron Shelley MHC aaron@mthoodcenter.com

Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

Date: January 20, 2025 at 3:13 PM

To: mamend@clackamas.us

Cc: Jeffrey Munns jmunns@clackamas.us

I wanted to follow up on this just so you know we were making effort to remedy this situation.

Thank you.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
 Director of Operations
 503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act
Date: January 16, 2025 at 12:56 PM PST
To: Kim Benthin <Kimben@clackamas.us>
Cc: Dale Burkholder <daleburbkholder@rocketmail.com>, Dan Barton <operations@mthoodcenter.com>

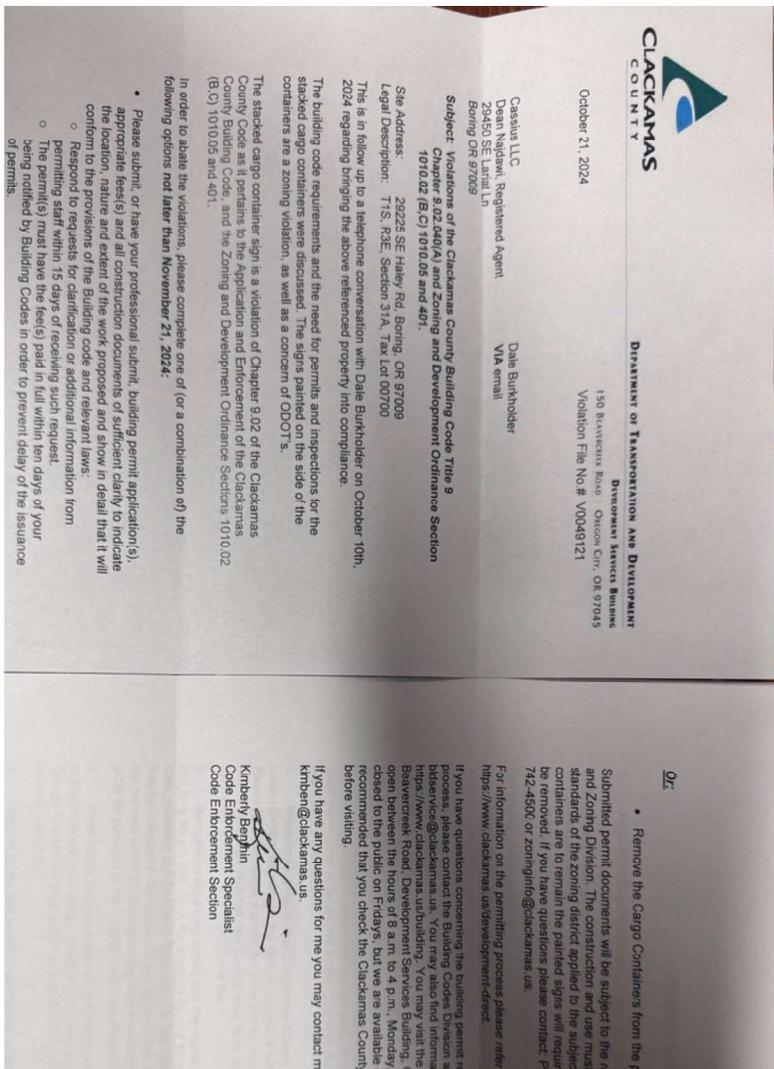
Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bring voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?
2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.
3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but he they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?
4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

Thank you Kimberly!

Warmest regards,



property.
view and approval of the Planning
meet the requirements and
property. For instance, if the cargo
land use authorization or need to
printing and Zoning Division at 503-
to the County's website at
requirements or the substantial
503-742-4240, or via email at
on the County's website at
region City. The lobby hours are
to Thursday. The building is
online and by phone. It is
webpage for hours of operation
at 503-742-4457 and my email is





Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RE: Oregon Administrative Rules for ORS 377 - Oregon Motorist Information Act
Date: November 7, 2022 at 3:28:40 PM PST
To: Aaron Shelley <Aaron@MthoodCenter.com>
Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I want with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

If you've read the FAQs for each type of sign and you still have questions or want to "sign" your business up, contact the Sign Program staff:

- Sue VanHandel, Sign Program Assistant: 503-373-0086

• Diane Cheyne, Sign Program Administrator: 503-373-0871

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,
Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MTHoodCenter.com>
Sent: Monday, November 7, 2022 8:03 AM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.



Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
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On Nov 2, 2022, at 3:10 PM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does "not qualify" under the program statute and rules. There is no access at that point for customers at that location and the area is not a develo

Simply having overflow parking in a field does not afford the ability to have a sign structure under OAR 734-059-0040. As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal viol. Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040
Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund
Program Analyst
Oregon Department of Transportation
Outdoor Advertising Sign Program
Engineering and Technical Services Branch
4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302
Office Cell phone: 971-375-8148
Fax: 503.986.3625
Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or of received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Aaron Shelley <Aaron@MthoodCenter.com>
Sent: Wednesday, November 2, 2022 2:51 PM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.
Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9). Regarding our storage containers use for storage for Mt Hood Center, that lot is controlled by Mt Hood Center and used for parking for our patrons amongst other things. And The state does not require permits for signs that are at a place of business, where there is a business activity. Parking obviously being a major component of business activity to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence? When I initially researched the signs before hanging had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before hanging the signs. Now I'm assuming I in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign law

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign cor rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legis Those limitations come with size restrictions and limitations on how far a sign relocation credit can be moved within the state, along with zo distance from other existing signs and highway beautification locations to name a few.

I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a re an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and ru new sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industria research the location in question, but my fist indication is the property where the shipping containers are would be some level of AG. In ad zoning requirement all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state

zoning requirements, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT website.

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation credits be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop and engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state is neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you, is for all ad copy on the shipping containers to be removed or covered up prior to the 30 – day date for compliance noted in the notice. If the messaging is still visible on the containers, the program will be required by law to move forward with the formal violation process.

If the shipping containers are being used for storage at this time, then the containers may stay on site, but cannot have any level of ad copy placed on them.

I hope this helps clarify the program requirements under the Oregon Motorist Information Act (OMIA).

I would be amiss, if I did not bring the signs below to your attention. Signs such as in the photo below are not allowed to be placed on the fence. Signs such as these can be placed inside the business area, but cannot be on the outside of the fence as this area is the state's right of way. Signs other than official signs can be placed on or within the state's right of way.

Future signs will need to be placed inside the fence.

<image009.png>

Please feel free to reach out with any additional questions you may have.

Kindly,
Debbie Lund
Program Analyst
Oregon Department of Transportation
Outdoor Advertising Sign Program
Engineering and Technical Services Branch
4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302
Office Cell phone: 971-375-8148
Fax: 503.986.3625
Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

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THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the National System should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of such highways, and to preserve the scenic and historic character of such highways."

travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expedient removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of** the State's **annual Federal-aid highway** apportionment. ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising signs mandated by the Federal and State agreement through legislative control.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited signs. Signs that include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **right of way**.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, there are **two things**:

1. Location- signs not at the site of some type of business or activity that is open to the general public

2. Compensation- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If **either** of these things met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the rules for the State.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited signs. Signs that include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising <OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you disclose and respond.

Good afternoon Jill.

Thank you for all of the information contained within your email. I would like to apply for what I believe to be called the outdoor sign relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on the application so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just got back on Friday and have not had much time to review the letter we had received while gone, much less the abundance of information you sent us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Morning Aaron & Dean,

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center regarding signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377 including 377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the defir Outdoor Advertising Sign in ORS 377.710(21):

(21) "Outdoor advertising sign" means:

- (a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or
- (b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display for the right to place the sign on another's property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Divisor 65. I'm attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as 1 rules can be accessed from the Oregon Secretary of State's website at:<https://secure.sos.state.or.us/oard/displayChapterRules.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that the restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relo prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, s free to review the information with your legal counsel, as desired; and do please let myself, or our program analyst, Det know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email atOutdoorAdvertising@odot.oregon.gov, or via phone using the contact number in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031 ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc><377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.doc><377.750 - Spacing.doc><377.767 - Relocation.doc><734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.doc><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
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Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>



From: Aaron Shelley MHC aaron@mthoodcenter.com 
Subject: Re: 29225 SE Haley Rd V0049121
Date: January 23, 2025 at 9:56 AM
To: Kim Benthin KimBen@clackamas.us
Cc: Barnes, Michael MBarnes@clackamas.us, Dale Burkholder daleburkholder@rocketmail.com, Dan Barton operations@mthoodcenter.com
Bcc: Greg Hathaway greg@hathawaylarson.com

Thank you Kimberly. That was very helpful. I think I only have one more question for clarification.
 Do we need a permit if the containers are not stacked. Dale was under the impression that no permit/permission is needed if they are not stacked?
 Dean is out of town but I forward all correspondence to him and am in constant contact with him regarding Cassius, LLC. Dale and Dan have permission to work on this matter on Dean's behalf. I appreciate and respect you asking that.
 Thank you for updating me regarding Michale Barnes contact info.
 Thank you again for prompt reply.
 Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
 Director of Operations
 503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 21, 2025, at 5:20 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
 503-742-4457
 Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 16, 2025 1:29 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Dale Burkholder <dalebukholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?
 I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.
2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.
 Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

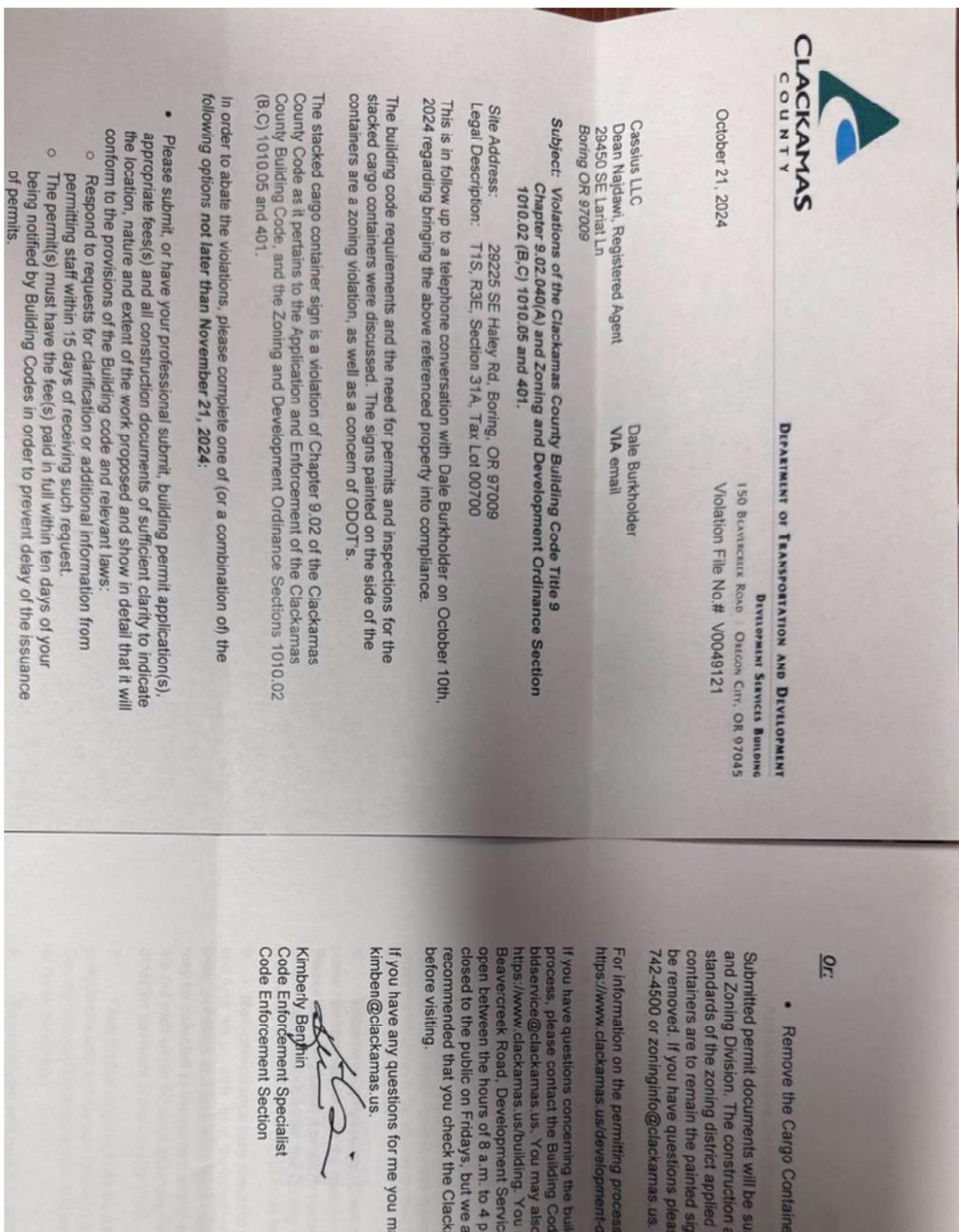
I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,



s from the property.
ect to the review and approval of the Planning
nd use must meet the requirements and
the subject property. For instance, if the cargo
s will require land use authorization or need to
e contact Planning and Zoning Division at 503-
please refer to the County's website at
ect
ing permit requirements on the submittal
s Division at 503-742-4240, or via email at
nd information on the County's website at
ay visit the County's offices at 150
s Building, Oregon City. The lobby hours are
n., Monday, to Thursday. The building is
e available online and by phone. It is
mas County webpage for hours of operation
y contact me at 503-742-4457 and my email is

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
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Begin forwarded message:

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Date: November 7, 2022 at 3:28:40 PM PST
To: Aaron Shelley <Aaron@MtHoodCenter.com>
Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I wanted to provide you with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

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And here are the contact names and phone numbers:

If you've read the FAQs for each type of sign and you still have questions or want to "sign" your business up, contact the Sign Program staff:

- Sue VanHandel, Sign Program Assistant: 503-373-0086
- Diane Cheyne, Sign Program Administrator: 503-373-0871

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
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Sent: Monday, November 7, 2022 8:03 AM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>
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Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does "not qualify" under the program statute and rules. There is no access at that point for customers at that location and the area is not a developed parking area. Simply having overflow parking in a field does not afford the ability to have a sign structure under OAR 734-059-0040.

As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal violation process.

Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040
Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund

Program Analyst
Oregon Department of Transportation
Outdoor Advertising Sign Program
Engineering and Technical Services Branch
4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302
Office Cell phone: 971-375-8148
Fax: 503.986.3625
Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Aaron Shelley <Aaron@MtHoodCenter.com>
Sent: Wednesday, November 2, 2022 2:51 PM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9).

Regarding our storage containers use for storage for Mt Hood Center, that lot is controlled by Mt Hood Center and used for parking for our patrons amongst other things. And, as you mentioned, The state does not require permits for signs that are at a place of business, where there is a business activity. Parking obviously being a major component of business activity. I hope that helps to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence?

When I initially researched the signs before hanging them, I thought I had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before hanging the signs. Now I'm assuming I missed something in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign laws in Oregon.

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign companies, whom rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legislative mandates. Those limitations come with size restrictions and limitations on how far a sign relocation credit can be moved within the state, along with zoning, size, distance from other existing signs and highway beautification locations to name a few. I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a relocation credit is an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and rules all potential new sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industrial. I did not research the location in question, but my first indication is the property where the shipping containers are would be some level of AG. In addition to the zoning requirement, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT web site.

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement from the location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation credits that may be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop and physically engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state is content neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood Event Center ?

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you, is for all ad copy on the shipping containers to be removed or covered up prior to the

30 – day date for compliance noted in the notice. If the messaging is still visible on the 31st day, then the program will be required by law to move forward with the formal violation process.

If the shipping containers are being used for storage at this time, then the containers may stay on site, but cannot have any level of ad copy or advertising placed on them.

I hope this helps clarify the program requirements under the Oregon Motorist Information Act (OMIA).

I would be amiss, if I did not bring the signs below to your attention. Signs such as in the photo below are not allowed to be placed on the outside of the fence. Signs such as these can be placed inside the business area, but cannot be on the outside of the fence as this area the states right of way, and no signs other than official signs can be placed on or within the states right of way.

Future signs will need to be placed inside the fence.

<image009.png>

Please feel free to reach out with any additional questions you may have.

Kindly,

Debbie Lund

Program Analyst

Oregon Department of Transportation

Outdoor Advertising Sign Program

Engineering and Technical Services Branch

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Office Cell phone: **971-375-8148**

Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

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THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expeditious removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway** apportionment

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things:**

1. Location-signs not at the site of some type of business or activity that is open to the general public

2. Compensation- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising

<OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon Jill.

Thank you for all of the information contained with in your email. I would like to apply for what I believe to be called the outdoor sign using relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on violation in question so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just got back in the country Friday and have not had much time to review the letter we had received while gone, much less the abundance of information now before us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M
<Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Morning Aaron & Dean,

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center for the signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377, including 377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under ORS 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the definition of an Outdoor Advertising Sign in ORS 377.710(21):

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Divisions 59, 60, 62-65. I'm attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as the remaining rules can be accessed from the Oregon Secretary of State's website at: <https://secure.sos.state.or.us/oard/displayChapterRules.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that there are restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit that will be used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign will meet all requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relocation credit, prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, so please feel free to review the information with your legal counsel, as desired; and do please let myself, or our program analyst, Deborah Lund, know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email at OutdoorAdvertising@odot.oregon.gov, or via phone using the contact number in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031 ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc><377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.docx><377.745 - Size.doc><377.750 - Spacing.doc><377.767 - Relocation.doc>
<734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.docx><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
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<https://www.facebook.com/coachaaronshelley>

Benthin. Kim

From: Benthin, Kim
Sent: Tuesday, November 12, 2024 3:22 PM
To: Dale Burkholder
Subject: Shipping Cargo Container info 29225 SE Haley Rd Violation File #V0049121
Attachments: Cargo Container used as accessory structures .pdf

Dale,

Per our phone conversation I have attached information for the application and requirement of permits for cargo containers. The memo is aged. LOL! But it is still accurate and being used by the Building Department.

These are the options for abating the building code violations at 29225 SE Haley Rd:

1. Obtain a building permit for them as they sit stacked.
2. Remove the shipping/cargo containers.
3. Apply for an agricultural exemption.
4. If they are not stacked and both sitting on the ground – they would be exempt from the building code.

For the agricultural exemption paperwork – they ask for some sort of evidence of the agricultural use on the property.

And of course – they can't be signs.

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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1

2023 Oregon Residential Specialty Code

2021 IRC Amended
Effective Date: Oct 01, 2023
Version: Dec 2023

CONTENTS NOTES

- Chapter 1 Scope and Administration
 - Part 1 Scope and Application
 - Part 2 Administration and Enforcement
- Part II—Definitions
- Chapter 2 Definitions
- Part III—Building Planning and Construction
 - Chapter 3 Building Planning
 - Chapter 4 Foundations
 - Chapter 5 Floors
 - Chapter 6 Wall Construction
 - Chapter 7 Wall Covering
 - Chapter 8 Roof-Ceiling Construction
 - Chapter 9 Roof Assemblies
 - Chapter 10 Chimneys and Fireplaces
- Part IV—Energy Conservation
 - Chapter 11 Energy Efficiency
 - Part V—Mechanical
 - Chapter 12 Mechanical Administration
 - Chapter 13 General Mechanical System Requirements

Codes / Oregon / 2023 Oregon Residential Specialty Code

Chapter 1 Scope and Administration

The creation of new habitable spaces, new toilet rooms or new bathrooms shall require a building permit.

R105.2 Work exempt from permit.

Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws. Nothing in this code limits a local municipality's ability to require application of its ordinances or to enforce its own ordinances. See Section R101 for the application and scope of this code. *Permits* shall not be required for the following:

Building:

1. Nonhabitable one-story detached accessory structures, provided that the building area does not exceed 200 square feet (18.58 m²) and does not exceed a height of 15 feet (4572 mm) measured from grade plane to the average height of the highest roof surface.
Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the building area may be increased to 400 square feet > (37.16 m²).
2. Concrete sidewalks, slabs, platforms, driveways and similar work.
3. Painting; papering; tiling; carpeting; cabinets; countertops; nonfire-resistance-rated interior wall, floor or ceiling covering, shelving and similar work.
4. Above-grade and on-ground swimming pools.
5. Swings, other playground equipment and similar work.
6. Porch covers, deck covers and patio covers as defined in Section AH102, not more than 200 square feet (18.58 m²) in floor area and not closer than 3 feet (914 mm) to lot lines.
7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonbearing partitions.
Exceptions:
 1. Partitions that create habitable space.
 2. Partitions required to be fire-resistance rated.
9. Replacement or repair of siding not required to be fire-resistance rated.
10. Porches and decks where the walking surface is not more than 30 inches (762 mm) above adjacent grade measured at any point within 3 feet (914 mm) horizontally of the walking surface.
11. Masonry repair.

Requirements

- > Chapter 14 Heating and Cooling Equipment and Appliances
- > Chapter 15 Exhaust Systems

2019 Oregon Structural Specialty Code
2018 IBC Amended
Effective Date: Oct 01, 2019
Version: Aug 2019

CONTENTS NOTES

- > Chapter 1 Scope and Administration
- > Part 1 Scope and Application
- > Part 2 Administration and Enforcement
- > Chapter 2 Definitions
- > Chapter 3 Occupancy Classification and Use
- > Chapter 4 Special Detailed Requirements Based on Occupancy and Use
- > Chapter 5 General Building Heights and Areas
- > Chapter 6 Types of Construction
- > Chapter 7 Fire and Smoke Protection Features
- > Chapter 8 Interior Finishes
- > Chapter 9 Fire Protection and Life Safety Systems
- > Chapter 10 Means of Egress
- > Chapter 11 Accessibility

Codes / Oregon / 2019 Oregon Structural Specialty Code

Chapter 1 Scope and Administration

105.2 Work exempt from permit.

Permits shall not be required for the following:

- > **Building:**
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
 2. Oil derricks.
 3. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
 4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 5. Temporary motion picture, television and theater stage sets and scenery.
 6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
 9. Farm or forest use agricultural buildings exempted in ORS 455.315 (see also Appendix C).
 10. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

12. Retrofitted insulation.

13. Gutters and downspouts.

14. Door and window replacements. Window replacements shall comply with Section R308 and Chapter 11, as applicable.

Exceptions: Permits are required for the following:

BASIC READ 0
Fullscreen Leg

24-12-09 Research 07-01 Cargo Shipping Containers.pdf

24-12-19 email exchange w Dan .pdf

24-12-30 Email w Dan.pdf



From: Dan operations@mthoodcenter.com
Subject: Re: 29225 SE Haley Rd V0049121
Date: January 23, 2025 at 10:14 AM
To: Aaron Shelley MHC aaron@mthoodcenter.com

My understanding is that either stacked or unstacked they would either need permitting or an agricultural exemption.

What is required for Ag exemption. (Site plans etc but specifically one of the below forms of documentation.

Documentation. In addition to the completed application and site plan, bring one of the following forms of documentation:

- County Assessors Farm or Forest Deferral
- IRS Schedule F (with social security number obscured)
- Other proof showing farming, agriculture, equine, forest or marijuana activity (e.g., receipts for payment of products)
- For a new business; a signed business plan

But I could be wrong, we'll see what Kim has to say.

Dan

On Jan 23, 2025, at 9:56 AM, Aaron Shelley MHC <aaron@mthoodcenter.com> wrote:

Thank you Kimberly. That was very helpful. I think I only have one more question for clarification.

Do we need a permit if the containers are not stacked. Dale was under the impression that no permit/permission is needed if they are not stacked?

Dean is out of town but I forward all correspondence to him and am in constant contact with him regarding Cassius, LLC. Dale and Dan have permission to work on this matter on Dean's behalf. I appreciate and respect you asking that.

Thank you for updating me regarding Michale Barnes contact info.

Thank you again for prompt reply.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
 Director of Operations
 503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 21, 2025, at 5:20 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
 503-742-4457
 Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 16, 2025 1:29 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Dale Burkholder <dalebukholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary

compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct? I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,

<image003.jpg>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

<image004.jpg>

<image006.jpg>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RE: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act
Date: November 7, 2022 at 3:28:40 PM PST
To: Aaron Shelley <Aaron@MtHoodCenter.com>
Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I wanted to provide you with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

<image002.png>

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, November 7, 2022 8:03 AM

To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Cc: HENDRICKSON Jill M <jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

<image009.jpg>

<image010.jpg>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT

Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

On Nov 2, 2022, at 3:10 PM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does "not qualify" under the program statute and rules. There is no access at that point for customers at that location and the area is not a developed parking area. Simply having overflow parking in an field does not afford the ability to have a sign structure under OAR 734-059-0040.

As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal violation process.

Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040

Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund

Program Analyst

Oregon Department of Transportation

Outdoor Advertising Sign Program

Engineering and Technical Services Branch

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Office Cell phone: 971-375-8148

Fax: 503.986.3625

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Aaron Shelley <Aaron@MtHoodCenter.com>
Sent: Wednesday, November 2, 2022 2:51 PM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9). Regarding our storage containers use for storage for Mt Hood Center, that lot *is* controlled by Mt Hood Center and used for parking for our patrons amongst other things. And, as you mentioned, The state does not require permits for signs that are at a place of business, where there is a business activity. Parking obviously being a major component of business activity. I hope that helps to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence? When I initially researched the signs before hanging them, I thought I had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before hanging the signs. Now I'm assuming I missed something in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign laws in Oregon.

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign companies, whom rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legislative mandates. Those limitations come with size restrictions and limitations on how far a sign relocation credit can be moved within the state, along with zoning, size, distance from other existing signs and highway beautification locations to name a few.

I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a relocation credit is an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and rules all potential new sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industrial. I did not research the location in question, but my first indication is the property where the shipping

containers are would be some level of AG. In addition to the zoning requirement, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT web site.

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement from the location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation credits that may be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop and physically engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state is content neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood Event Center ?

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you, is for all ad copy on the shipping containers to be removed or covered up prior to the 30 – day date for compliance noted in the notice. If the messaging is still visible on the 31st day, then the program will be required by law to move forward with the formal violation process.

If the shipping containers are being used for storage at this time, then the containers may stay on site, but cannot have any level of ad copy or advertising placed on them.

I hope this helps clarify the program requirements under the Oregon Motorist Information Act (OMIA).

I would be amiss, if I did not bring the signs below to your attention. Signs such as in the photo below are not allowed to be placed on the outside of the fence. Signs such as these can be placed inside the business area, but cannot be on the outside of the fence as this area the states right of way, and no signs other than official signs can be placed on or within the states right of way.

Future signs will need to be placed inside the fence.

<image009.png>

Please feel free to reach out with any additional questions you may have.

Kindly,

Debbie Lund

Program Analyst

Oregon Department of Transportation

Outdoor Advertising Sign Program

Engineering and Technical Services Branch

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Office Cell phone: **971-375-8148**

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Email address is changing to: Deborah.Lund@odot.oregon.gov

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THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expedient removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway** apportionment

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things:**

1. Location-signs not at the site of some type of business or activity that is open to the general

public

2. Compensation- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising <OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon Jill.

Thank you for all of the information contained with in your email. I would like to apply for what I believe to be called the outdoor sign using relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on violation in question so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just got back in the country Friday and have not had much time to review the letter we had received while gone, much less the abundance of information now before us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT

Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Morning Aaron & Dean,

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center for the signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377, including 377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under ORS 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the definition of an Outdoor Advertising Sign in ORS 377.710(21):

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Divisions 59, 60, 62-65. I’m attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as the remaining rules can be accessed from the Oregon Secretary of State’s website at:<https://secure.sos.state.or.us/oard/displayChapterRules.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that there are restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit that will be used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign will meet all requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relocation credit, prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, so please feel free to review the information with your legal counsel, as desired; and do please let myself, or our program analyst, Deborah Lund, know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email at OutdoorAdvertising@odot.oregon.gov, or via phone using the contact number in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503-550-5007 | Fax: 503-398-0007

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031 ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc><377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.docx><377.745 - Size.doc><377.750 - Spacing.doc><377.767 - Relocation.doc><734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.docx><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT

Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

<24-11-12 email to Dale.pdf>
<ORSC Work exempt from permit.jpg>
<OSSC 105.2 Work exempt from permit.JPG>
<24-12-09 Research 07-01 Cargo Shipping Containers.pdf>
<24-12-19 email exchange w Dan.pdf>
<24-12-30 Email w Dan.pdf>

From: Dan operations@mthoodcenter.com
Subject: Re: 29225 SE Haley Rd V0049121
Date: January 23, 2025 at 10:15 AM
To: Aaron Shelley MHC aaron@mthoodcenter.com



Here is the link to the Ag exemption form.

Agricultural, Forest, Equine, Dog Training or Marijuana Building Exemption Instructions

This checklist is a guide to the steps and documents needed to receive an agricultural related building exemption. Please note that an exemption applies only to the building permit and the associated building permit inspection.

APPLICATION CHECKLIST:

- 1. Planning Approval:**
 - The first step is determining whether an exemption is right for your project to identify how your land is zoned. Check with the Planning and zoning Division to ensure the project meets all zoning and use requirements, and that the property's zoning qualifies the building for an exemption. Some zoning use restrictions may require a special use permit, or a conditional use permit or a variance to be considered for an exemption.
- 2. Application:**
 - Complete an Agricultural Building Exemption Application online at <https://clackamas.us>.
- 3. Site Plan & Floor Plan:**
 - The site plan should show the location and dimensions of all existing structures plus the proposed exempt structure. If there are multiple buildings on the site, indicate which exact building is related to the exemption application. The floor plan should show all walls and spaces inside the structure. Each separate space should be labeled with their use.
- 4. Documentation:**
 - In addition to the completed application and site plan, bring one of the following forms of documentation:
 - County Business Form or Forest Deferral
 - 90 Schedule F (with social security number obscured)
 - Other proof showing farming, agriculture, equine, horse or marijuana activity (e.g. receipts for payment of products)
 - Use a true historic or signed business plan.
- 5. Other Considerations:**
 - Obtain permits for electrical, plumbing, mechanical, solar, septic and fences over 8'0" tall. Building department staff can assist you with these permits as part of the review process.
 - Please note that if the use of an existing agricultural related building changes to include marijuana or forestry, an AG Exemption Change of Use is required. If this situation describes your project, please discuss the change of use process with one of the Building Codes Division's permit staff.
- 6. Additional Remarks:**
 - For additional information, visit clackamas.us/building. Staff can also be contacted by email at BuildingCodes@clackamas.us, or by phone at 503-742-4748.

Clackamas County Department of Transportation and Development 150 Beaver Creek Road, Oregon City, OR 97051
Phone: (503) 742-4245 Fax: (503) 742-4742 www.clackamas.us

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PDF Document · 816 KB

On Jan 23, 2025, at 9:56 AM, Aaron Shelley MHC <aaron@mthoodcenter.com> wrote:

Thank you Kimberly. That was very helpful. I think I only have one more question for clarification.

Do we need a permit if the containers are not stacked. Dale was under the impression that no permit/permission is needed if they are not stacked?

Dean is out of town but I forward all correspondence to him and am in constant contact with him regarding Cassius, LLC. Dale and Dan have permission to work on this matter on Dean's behalf. I appreciate and respect you asking that.

Thank you for updating me regarding Michale Barnes contact info.

Thank you again for prompt reply.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 21, 2025, at 5:20 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 16, 2025 1:29 PM
To: Benthin, Kim <KimBen@clackamas.us>

Cc: Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct? I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,

<image003.jpg>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

<image004.jpg>

<image006.jpg>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
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Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RE: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act
Date: November 7, 2022 at 3:28:40 PM PST
To: Aaron Shelley <Aaron@MtHoodCenter.com>

Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I wanted to provide you with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

<image002.png>

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, November 7, 2022 8:03 AM

To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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<image009.jpg>

<image010.jpg>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT

Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

On Nov 2, 2022, at 3:10 PM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does "not qualify" under the program statute and rules. There is no access at that point for customers at that location and the area is not a developed parking area. Simply having overflow parking in a field does not afford the ability to have a sign structure under OAR 734-059-0040.

As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal violation process.

Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040

Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund

Program Analyst

Program Analyst

Oregon Department of Transportation
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Email address is changing to: Deborah.Lund@odot.oregon.gov

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From: Aaron Shelley <Aaron@MtHoodCenter.com>
Sent: Wednesday, November 2, 2022 2:51 PM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9). Regarding our storage containers use for storage for Mt Hood Center, that lot *is* controlled by Mt Hood Center and used for parking for our patrons amongst other things. And, as you mentioned, The state does not require permits for signs that are at a place of business, where there is a business activity. Parking obviously being a major component of business activity. I hope that helps to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence? When I initially researched the signs before hanging them, I thought I had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before hanging the signs. Now I'm assuming I missed something in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign laws in Oregon.

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign companies, whom rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legislative mandates. Those limitations come with size restrictions and limitations on how far a

sign relocation credit can be moved within the state, along with zoning, size, distance from other existing signs and highway beautification locations to name a few.

I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a relocation credit is an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and rules all potential new sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industrial. I did not research the location in question, but my first indication is the property where the shipping containers are would be some level of AG. In addition to the zoning requirement, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT web site.

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement from the location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation credits that may be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop and physically engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state is content neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood Event Center ?

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you, is for all ad copy on the shipping containers to be removed or covered up prior to the 30 – day date for compliance noted in the notice. If the messaging is still visible on the 31st day, then the program will be required by law to move forward with the formal violation process.

If the shipping containers are being used for storage at this time, then the containers may stay on site, but cannot have any level of ad copy or advertising placed on them.

I hope this helps clarify the program requirements under the Oregon Motorist Information Act (OMIA).

I would be amiss, if I did not bring the signs below to your attention. Signs such as in the photo below are not allowed to be placed on the outside of the fence. Signs such as these can be placed inside the business area, but cannot be on the outside of the fence as this area the states right of way, and no signs other than official signs can be placed on or within the states right of way.

Future signs will need to be placed inside the fence.

<image009.png>

Please feel free to reach out with any additional questions you may have.

Kindly,

Debbie Lund

Program Analyst
Oregon Department of Transportation
Outdoor Advertising Sign Program
Engineering and Technical Services Branch
4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302
Office Cell phone: **971-375-8148**
Fax: **503.986.3625**
Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expeditious removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway** apportionment

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things**:

1. Location-signs not at the site of some type of business or activity that is open to the general public

2. Compensation- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising <OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon Jill.

Thank you for all of the information contained with in your email. I would like to apply for what I believe to be called the outdoor sign using relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on violation in question so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just got back in the country Friday and have not had much time to review the letter we had received while gone, much less the abundance of information now before us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>

<https://www.facebook.com/coacnaaronsnelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M
<Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Morning Aaron & Dean,

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center for the signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377, including 377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under ORS 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the definition of an Outdoor Advertising Sign in ORS 377.710(21):

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Divisions 59, 60, 62-65. I’m attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as the remaining rules can be accessed from the Oregon Secretary of State’s website at:<https://secure.sos.state.or.us/oard/displayChapterRules.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that there are restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit that will be used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign will meet all requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relocation credit, prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, so please feel free to review the information with your legal counsel, as desired; and do please let myself, or our program analyst, Deborah Lund, know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email at OutdoorAdvertising@odot.oregon.gov, or via phone using the contact number

in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031 ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc><377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.docx><377.745 - Size.doc><377.750 - Spacing.doc><377.767 - Relocation.doc>
<734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.docx><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT

Director of Operations

503-841-8869

<https://mthoodcenter.com>

<https://www.facebook.com/coachaaronshelley>

<24-11-12 email to Dale.pdf>
<ORSC Work exempt from permit.jpg>
<OSSC 105.2 Work exempt from permit.JPG>
<24-12-09 Research 07-01 Cargo Shipping Containers.pdf>
<24-12-19 email exchange w Dan.pdf>
<24-12-30 Email w Dan.pdf>

From: Benthin, Kim KimBen@clackamas.us
Subject: RE: 29225 SE Haley Rd V0049121
Date: January 23, 2025 at 3:50 PM
To: Aaron Shelley MHC aaron@mthoodcenter.com
Cc: Barnes, Michael MBarnes@clackamas.us, Dale Burkholder daleburkholder@rocketmail.com, Dan Barton operations@mthoodcenter.com



Good afternoon Aaron!

If the containers meet the exemptions – they do not require a building permit. The Zoning and Development Ordinance remains applicable regardless of the requirement for a building permit.

Best,

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 23, 2025 9:56 AM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Barnes, Michael <MBarnes@clackamas.us>; Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Re: 29225 SE Haley Rd V0049121

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

Thank you Kimberly. That was very helpful. I think I only have one more question for clarification.

Do we need a permit if the containers are not stacked. Dale was under the impression that no permit/permission is needed if they are not stacked?

Dean is out of town but I forward all correspondence to him and am in constant contact with him regarding Cassius, LLC. Dale and Dan have permission to work on this matter on Dean's behalf. I appreciate and respect you asking that.

Thank you for updating me regarding Michale Barnes contact info.

Thank you again for prompt reply.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 21, 2025, at 5:20 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>

Sent: Thursday, January 16, 2025 1:29 PM

To: Benthin, Kim <KimBen@clackamas.us>

Cc: Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>

Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without

compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?

I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,

Chapter 1 Scope and Administration

CONTENTS NOTES

- Chapter 1 Scope and Administration
 - Part 1 Scope and Application
 - Part 2 Administration and Enforcement
- Chapter 2 Definitions
- Chapter 3 Occupancy Classification and Use
- Chapter 4 Special Detailed Requirements Based on Occupancy and Use
- Chapter 5 General Building Heights and Areas
- Chapter 6 Types of Construction
- Chapter 7 Fire and Smoke Protection Features
- Chapter 8 Interior Finishes
- Chapter 9 Fire Protection and Life Safety Systems
- Chapter 10 Means of Egress
- Chapter 11 Accessibility

105.2 Work exempt from permit.

Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Oil derricks.
3. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
9. Farm or forest use agricultural buildings exempted in ORS 455.315 (see also Appendix C).
10. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

Chapter 1 Scope and Administration

CONTENTS NOTES

- Chapter 1 Scope and Administration
 - Part 1 Scope and Application
 - Part 2 Administration and Enforcement
- Part II—Definitions
- Chapter 2 Definitions
- Part III—Building Planning and Construction
 - Chapter 3 Building Planning
 - Chapter 4 Foundations
 - Chapter 5 Floors
 - Chapter 6 Wall Construction
 - Chapter 7 Wall Covering
 - Chapter 8 Roof-Ceiling Construction
 - Chapter 9 Roof Assemblies
 - Chapter 10 Chimneys and Fireplaces
- Part IV—Energy Conservation
 - Chapter 11 Energy Efficiency
- Part V—Mechanical
 - Chapter 12 Mechanical Administration
 - Chapter 13 General Mechanical System Requirements
 - Chapter 14 Heating and Cooling Equipment and Appliances
 - Chapter 15 Exhaust Systems

The creation of new habitable spaces, new toilet rooms or new bathrooms shall require a building permit.

R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner violation of the provisions of this code or any other laws. Nothing in this code limits a local municipality's ability to require application of ordinances or to enforce its own ordinances. See Section R101 for the application and scope of this code. Permits shall not be required for the following:

Building:

1. Nonhabitable one-story detached accessory structures, provided that the building area does not exceed 200 square feet (18.58 m²) and does not exceed a height of 15 feet (4572 mm) measured from grade plane to the average height of the highest roof surface.
 - Exception:** Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the building area may be increased to 400 square feet (37.16 m²).
2. Concrete sidewalks, slabs, platforms, driveways and similar work.
3. Painting, papering, tiling, carpeting, cabinets, countertops, nonfire-resistance-rated interior wall, floor or ceiling covering, shelving and similar work.
4. Above-grade and on-ground swimming pools.
5. Swings, other playground equipment and similar work.
6. Porch covers, deck covers and patio covers as defined in Section AH102, not more than 200 square feet (18.58 m²) in floor area and not closer than 3 feet (914 mm) to lot lines.
7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Nonbearing partitions.
 - Exceptions:**
 1. Partitions that create habitable space.
 2. Partitions required to be fire-resistance rated.
9. Replacement or repair of siding not required to be fire-resistance rated.
10. Porches and decks where the walking surface is not more than 30 inches (762 mm) above adjacent grade measured at a point within 3 feet (914 mm) horizontally of the walking surface.
11. Masonry repair.
12. Retrofitted insulation.
13. Gutters and downspouts.
14. Door and window replacements. Window replacements shall comply with Section R308 and Chapter 11, as applicable.
 - Exceptions:** Permits are required for the following:

From: Aaron Shelley MHC aaron@mthoodcenter.com 

Subject: Re: 29225 SE Haley Rd V0049121

Date: January 23, 2025 at 4:51 PM

To: Kim Benthin KimBen@clackamas.us

Cc: Barnes, Michael MBarnes@clackamas.us, Dale Burkholder daleburkholder@rocketmail.com, Dan Barton operations@mthoodcenter.com



Thank you again Kimberly. I hope I'm not being a burden with all these questions. In your latest email I this exception:

Building:

1. Nonhabitable one-story detached accessory structures, provided that the building area does not exceed 200 square feet (18.3 m²) and does not exceed a height of 15 feet (4572 mm) measured from grade plane to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 20 feet (6096 mm) from all property lines and regulated structures, the building area may be increased to 400 square feet (37.16 m²).

Would this qualify the containers to remain as the property since the property is 2.38 acres?

Thank you again!

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 23, 2025, at 3:49 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Good afternoon Aaron!

If the containers meet the exemptions – they do not require a building permit. The Zoning and Development Ordinance remains applicable regardless of the requirement for a building permit.

Best,

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>

Sent: Thursday, January 23, 2025 9:56 AM

To: Benthin, Kim <KimBen@clackamas.us>

Cc: Barnes, Michael <MBarnes@clackamas.us>; Dale Burkholder <dalebukholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>

Subject: Re: 29225 SE Haley Rd V0049121

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Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>

Sent: Thursday, January 16, 2025 1:29 PM

To: Benthin, Kim <KimBen@clackamas.us>

Cc: Dale Burkholder <daleb Burkholder@rocketmail.com>; Dan Barton

<operations@mthoodcenter.com>

Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

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Thank you Kimberly!

Warmest regards,

<OSSC 105.2 Work exempt from permit.JPG><ORSC Work exempt from permit.jpg>

From: Benthin, Kim KimBen@clackamas.us 
Subject: RE: 29225 SE Haley Rd V0049121
Date: January 27, 2025 at 11:51 AM
To: Aaron Shelley MHC aaron@mthoodcenter.com
Cc: Barnes, Michael MBarnes@clackamas.us, Dale Burkholder daleburkholder@rocketmail.com, Dan Barton operations@mthoodcenter.com



Good morning Aaron,

No, you are not being a burden.

The exemption snip that you are referring to has been included in more than one of my emails. I am aware the property is more than 2 acres.

I would refer you to this portion of the exemption : *“and does not exceed a height of 15 feet...”*

Cargo/shipping containers are fairly uniform in sizing due to their purpose and uses. When they are stacked – they exceed 15 feet. The acreage requirement only allows the *building area* to increase to 400 sqft.

If you wish and think it worthwhile to do so – we can meet and measure the stacked containers. Hopefully, it will be a sunny day like today!

Best,

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 23, 2025 4:51 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Barnes, Michael <MBarnes@clackamas.us>; Dale Burkholder <dalebukholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Re: 29225 SE Haley Rd V0049121

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Building:

1. Nonhabitable one-story detached accessory structures, provided that the *building area* does not exceed 200 square feet (18.3 m²) and does not exceed a height of 15 feet (4572 mm) measured from *grade plane* to the average height of the highest roof surface.

Exception: Where the structure is located on a parcel of 2.0 acres or greater in area, and the structure is located a minimum of 30 feet (9006 mm) from all property lines and regulated structures, the *building area* may be increased to 400 square feet.

of 20 feet (6096 mm) from all property lines and regulated structures, the building area may be increased to 400 square feet (37.16 m²).

Would this qualify the containers to remain as the property since the property is 2.38 acres?

Thank you again!

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 23, 2025, at 3:49 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Good afternoon Aaron!

If the containers meet the exemptions – they do not require a building permit. The Zoning and Development Ordinance remains applicable regardless of the requirement for a building permit.

Best,

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>
Sent: Thursday, January 23, 2025 9:56 AM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Barnes, Michael <MBarnes@clackamas.us>; Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>
Subject: Re: 29225 SE Haley Rd V0049121

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

Thank you Kimberly. That was very helpful. I think I only have one more question for clarification.

Do we need a permit if the containers are not stacked. Dale was under the impression that no permit/permission is needed if they are not stacked?

Dean is out of town but I forward all correspondence to him and am in constant contact with him regarding Cassius LLC. Dale and Dan have permission to work on this matter on

him regarding Cassius, LLC. Dale and Dan have permission to work on this matter on Dean's behalf. I appreciate and respect you asking that.

Thank you for updating me regarding Michale Barnes contact info.

Thank you again for prompt reply.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Jan 21, 2025, at 5:20 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Aaron!

I hope you are well and warm during these cold winter days! I hope the sun stays in the forecast for a while longer!

I have answered these questions for your consultant, Dale Burkholder and Dan Barton, your Operations Manager. I am happy to go through them again. Also – to keep us on the same page, I have copied the prior documents and emails to this email. I will also answer the questions below in blue. In order to keep our communication linear and clear – could you confirm who I should be communicating with? This property is owned by Cassius LLC, and Dean Najdawi is the Registered Agent. Please advise if I should be including him in this email communication.

Also - I understand that you sent Michelle Amend an email regarding this address. Just to update you, Code Enforcement has a new supervisor. His name is Michael Barnes, his number is 503-742-4748. I have copied him on this email.

I hope this is helpful! Let me know if you have any additional questions!

Kimberly Benthin
503-742-4457
Clackamas County

From: Aaron Shelley MHC <aaron@mthoodcenter.com>

Sent: Thursday, January 16, 2025 1:29 PM

To: Benthin, Kim <KimBen@clackamas.us>

Cc: Dale Burkholder <daleburkholder@rocketmail.com>; Dan Barton <operations@mthoodcenter.com>

Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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

Good afternoon Kimberly.

I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also included updated photos to verify that the containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?

I don't know exactly what meeting Dale is referring to – but I confirmed that there was no signage on the cargo containers most recently, on or about December 4th, 2024.

2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them stacked for storage as it makes it more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.

Dale is correct, the remaining issue is the permitting of the cargo containers. See attached documents. If you wish to keep the structures on site and stacked you may permit the structures, or submit agricultural exemption paperwork.

3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them for us. Because of the delay, we are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

I just want to clarify – the cargo containers are allowed to be stacked. However, if you wish to have them stacked – you must permit the structures, or submit agricultural exemption paperwork. Dale did mention you are working on unstacking. However, in this email - you have also mentioned you wish to keep them stacked. The County only wants the containers to be in compliance with all codes. It is your choice to keep them stacked or unstacked.

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

The answer for this question is two parts and involves both the Building Code and

The answer for this question is two parts and involves both the Building Code and Zoning and Development Ordinance. In order to make the cargo containers in compliance with the Building code (see attached document) they must meet the exemptions, or successfully complete the permitting process or the agricultural exemption paperwork. The use of the containers themselves – must be in compliance with an authorized use of the Zoning and Development Ordinance.

Thank you Kimberly!

Warmest regards,

<OSSC 105.2 Work exempt from permit.JPG><ORSC Work exempt from permit.jpg>

Shipping container dimensions vary in length and width. Most commonly, containers are around 10-foot, 20-foot, or 40-foot long, each at around 8 feet wide. The height of each shipping container varies between standard height (8 feet 6 inches) and "high cube" (9 feet 6 inches), which are often used to increase storage space or create better air circulation. Check out the table below for a breakdown of shipping container dimensions and specifications.

	Exterior Dimensions (LxWxH)	Interior Dimensions (LxWxH)	Door Opening (WxH)	Square Footage	Typical Weight (Empty)
10-Foot Container	9'9.75" x 8' x 8'6"	9'3" x 7'8" x 7'10"	7'8" x 7'5"	75 square-feet	2,850 lb
20-Foot Container	19'10.5" x 8' x 8'6"	19'3" x 7'8" x 7'10"	7'8" x 7'5"	150 square-feet	5,050 lb
20-Foot High Cube	19'10.5" x 8' x 9'6"	19'3" x 7'8" x 8'10"	7'8" x 8'5.5"	150 square-feet	5,181 lb
40-Foot Container	40' x 8' x 8'6"	39'5" x 7'8" x 7'10"	7'8" x 7'5"	300 square-feet	8,000 lb
40-Foot High Cube	40' x 8' x 9'6"	39'5" x 7'8" x 8'10"	7'8" x 8'5.5"	300 square-feet	8,775 lb

All dimensions and weights are approximate as containers vary from manufacturer to manufacturer

From: Aaron Shelley aaronshelley67@gmail.com
Subject: Re: 29225 SE Haley Rd File # V0049121
Date: October 21, 2024 at 9:14 PM
To: Dale Burkholder daleburkholder@rocketmail.com



Would you please look into the code as far as containers are concerned. I don't believe there's any code against stacking containers. Dean Brown, Kim Benthin's predecessor, said that you could stack the containers as high as you wanted to in RRF5 zoning. That there are no prohibitions.

Additionally, the signage has been removed from the side of the Containers for over two years. She's referring to that as a violation, but, there is no violation, which I'm sure she is fully aware yet is playing this card to try and put another nail in the Mt. Hood Center coffin.

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
503-841-8869
<https://www.facebook.com/coachaaronshelley>

On Oct 21, 2024, at 5:48 PM, Dale Burkholder <daleburkholder@rocketmail.com> wrote:

Received today

Sent from my iPhone

Begin forwarded message:

From: "Benthin, Kim" <KimBen@clackamas.us>
Date: October 21, 2024 at 1:24:26 PM PDT
To: Dale Burkholder <daleburkholder@rocketmail.com>
Subject: 29225 SE Haley Rd File # V0049121

Dale,

Here is the notice for the Haley Rd property. It went into the mail today. I imagine it is possible for the weather to delay the use of the crane – please let me know if you have scheduled the crane. I can accommodate the crane's schedule – but only if I am notified ahead of the deadline.

Thanks,

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

<image003.png>

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<24-10-21 Vio letter V0049121.pdf>



From: Aaron Shelley MHC aaron@mthoodcenter.com
Subject: Fwd: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act
Date: January 16, 2025 at 1:28 PM
To: Kim Benthin Kimben@clackamas.us
Cc: Dale Burkholder daleburkholder@rocketmail.com, Dan Barton operations@mthoodcenter.com
Bcc: Greg Hathaway greg@hathawaylarsen.com

Good afternoon Kimberly,

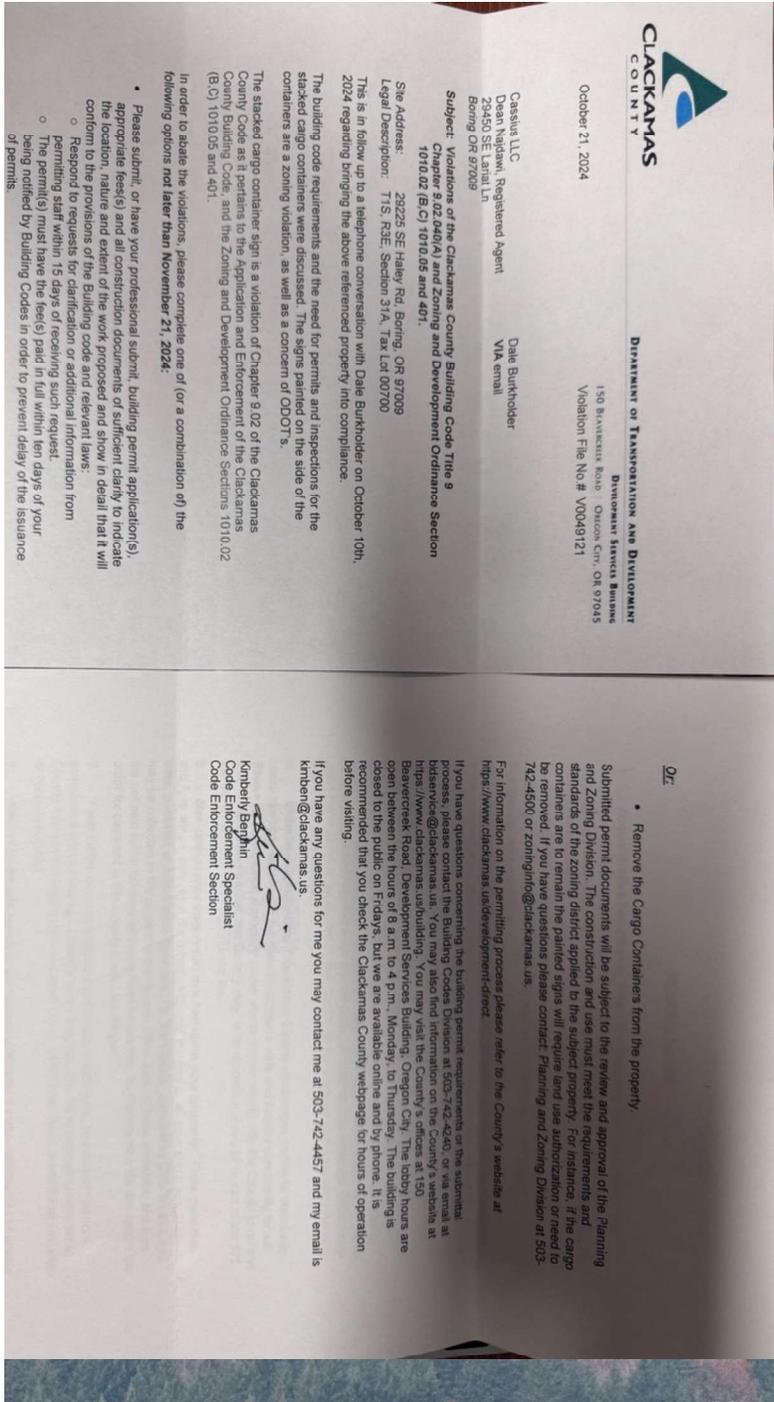
I'm just following up on the containers on Haley rd. The email thread attached is between myself and Jill Hendrickson of ODOT. You will see that we removed the signage in November of 2022. You will see that Jill thanked us for bringing the property into voluntary compliance. I also include containers are still without signage. Additionally, if you Google Earth the property address, you will see that over the last couple years there has been no signage on the containers. If you wouldn't mind, please respond to the following points below.

1. Dale Burkholder told me that after meeting with you that you were aware that the signage was removed. Is this correct?
2. Dale said the current issue is that the containers are not allowed to be stacked without some sort of a permit. Is this correct? If so, could you let me know the specific code that refers to this matter. I was obviously misinformed if this is the case. But if possible, I would like to leave them sit more difficult to steal out of the upper container. Most importantly, I want the property to be in compliance.
3. Dale said he also told you that we have asked O'Malley Brothers in November to unstack the containers because they are not allowed to be stacked. They have been heavily burdened by weather and holiday related delays but have continuously told us they still intend to unstack them if are seeking another company to do the work as well. Is this correct to your recollection that Dale made you aware?

4. Based on what Dale told me after speaking with you, there is no problem with us having the containers on the property for storage. The real issue is stacked or not stacked and not the containers themselves? Is this correct?

Thank you Kimberly!

Warmest regards,







Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

Begin forwarded message:

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Subject: RE: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act
Date: November 7, 2022 at 3:28:40 PM PST
To: Aaron Shelley <Aaron@MHoodCenter.com>
Cc: GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>, LUND Deborah R <Deborah.LUND@odot.oregon.gov>

Good Afternoon Mr. Shelley,

Thank you for the photos and thanks so much for helping us get to voluntary compliance with the statutes for signage visible to a state highway.

I believe that either you, or Dean, mentioned that you were aware of the Tourist Oriented Directional Signage offered through Oregon's Travel Information Council, but I want with their contact information in case you're interested in utilizing that signage to help direct travelers to your facility.

Here is the url to the Travel Information Council's website with information about their sign program and contacts to help you with any questions:

<https://oregontic.com/for-businesses/sign-programs/>

And here are the contact names and phone numbers:

If you've read the FAQs for each type of sign and you still have questions or want to "sign" your business up, contact the Sign Program staff:

- Sue VanHandel, Sign Program Assistant: 503-373-0086
- Diane Cheyne, Sign Program Administrator: 503-373-0871

Both Sue & Diane are very helpful and would be glad to assist.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Cell: 503.559.5295 | Fax: 503.986.3625
Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Aaron Shelley <Aaron@MHoodCenter.com>
Sent: Monday, November 7, 2022 8:03 AM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; GLEASON Georgine N <Georgine.N.GLEASON@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

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Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
 Director of Operations
 503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 2, 2022, at 3:10 PM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Hi Aaron,

You are correct, the sign laws in Oregon are very complicated and extensive.

The location of the shipping containers to be used for signage does "not qualify" under the program statute and rules. There is no access at that point for customers at that location and the area is not a developed area. Simply having overflow parking in an field does not afford the ability to have a sign structure under OAR 734-059-0040.

As I mentioned, the shipping containers can stay provided any messaging or signage is covered up, but if there is advertising left on the containers on the 31st day, the program will proceed with the formal violation.

Anything on the outside of a fence line where it the property adjoins the state right of way, is considered to be on the right of way, and therefore not allowed on under the law ORS 377.715.

I hope that clarifies things -

734-059-0040
Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

Kindly,

Debbie Lund
 Program Analyst
 Oregon Department of Transportation
 Outdoor Advertising Sign Program

Engineering and Technical Services Branch
4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302
Office Cell phone: 971-375-8148
Fax: 503.986.3625
Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

Email address is changing to: Deborah.Lund@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Aaron Shelley <Aaron@MthHoodCenter.com>
Sent: Wednesday, November 2, 2022 2:51 PM
To: LUND Deborah R <Deborah.LUND@odot.oregon.gov>
Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.
Hi Debbie. Thank you so much for all the information. Whew! Almost overwhelming.

So I reviewed the sections of code referenced Chapter 377, including 377.720(9). Regarding our storage containers use for storage for Mt Hood Center, that lot is controlled by Mt Hood Center and used for parking for our patrons amongst other things. And The state does not require permits for signs that are at a place of business, where there is a business activity. Parking obviously being a major component of business activity to clarify things.

Could you send me the section of code referencing the fence signs being hung on the inside vs the outside of the fence? When I initially researched the signs before hanging had found the appropriate section of code. Our fence is set back within the property line. I waited until the survey was complete before hanging the signs. Now I'm assuming I in my initial research. Coincidentally, the signs in the pictures have since been removed from the fence.

Thank you again for all your help and information.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Nov 1, 2022, at 8:01 AM, LUND Deborah R <Deborah.LUND@odot.oregon.gov> wrote:

Good morning Aaron,

Thank you for your quick response and willingness to work with ODOT/ Outdoor Advertising Sign program to better understand the sign law

Just to be clear, the state does not own sign permits or sign relocation credits. All permits are privately owned, mainly by the larger sign cor rarely sell them, and a few by independent owners. Relocation credits generally come with very restrictive requirements all based on legis Those limitations come with size restrictions and limitations on how far a sign relocation credit can be moved within the state, along with zo distance from other existing signs and highway beautification locations to name a few.

I am happy to provide a list of relocation credit owners and you will need to contact each separately in order to determine if purchasing a re an option.

However, I would like to clarify, simply owning a relocation credit (s) does not mean a sign can be built. There are extensive statutes and ru new sign locations must adhere to. The first requirement is for zoning, all signs must be located on property zoned commercial or industria research the location in question, but my fist indication is the property where the shipping containers are would be some level of AG. In ad zoning requirement, all potential signs must meet the local jurisdictional requirements before an application can be submitted to the state.

I have attached only a few of the statutes and rules required for outdoor advertising signs in Oregon – more can be found on the ODOT we

The last attachment in Excel is a list of all the current relocation credit owners. Relocation credits have a 100 mile restriction for movement location where the original sign was located, so before you call each owner, it would be best if you research and identify those relocation cr be within the 100 miles of your location.

The state does not require permits for signs that are at a place of business, where there is a business activity (ie, where someone can stop engage in a business activity), however, all signs visible to a state highway must comply with safety and prohibited requirements. The state neutral, and does not regulate by content (or message), but by location and compensation.

In my brief research, I am trying to determine if the business location below for Boring Brewing has a common ownership with the Mt Hood

<image003.png><image005.png>

Unfortunately, the state cannot grant an extension with the hope of applying for a permit. The best I can offer you, is for all ad copy on the :

to determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit **two things:**

- 1. Location-** signs not at the site of some type of business or activity that is open to the general public
- 2. Compensation-** If compensation is exchanged for either ad copy or for the right to place the sign at its location. If **either** of these met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the rules for the State.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited signs. If signs include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **right of way**.

From: Aaron Shelley <Aaron@MtHoodCenter.com>

Sent: Monday, October 31, 2022 6:39 PM

To: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>

Cc: LUND Deborah R <Deborah.LUND@odot.oregon.gov>; Outdoor Advertising <OutdoorAdvertising@odot.oregon.gov>

Subject: Re: Oregon Administrative Rules for ORS 377- Oregon Motorist Information Act

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you disclose and respond.

Good afternoon Jill.

Thank you for all of the information contained with in your email. I would like to apply for what I believe to be called the outdoor advertising relocation credits. Can you please send me the link for criteria and the application? Also, can you grant an extension of 90 days on the application question so we can both complete the application, after reviewing the criteria, as well as the other information you sent us? We just returned to the country Friday and have not had much time to review the letter we had received while gone, much less the abundance of information you sent us.

Warmest regards,

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

On Oct 31, 2022, at 10:46 AM, HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov> wrote:

Good Morning Aaron & Dean,

Dean thank you for taking the time to speak with me this morning, regarding the courtesy letter sent to the Mt. Hood Center regarding signs placed next to a state highway. As we discussed there are several violations of Oregon Revised Statute (ORS) Chapter 377 including 377.720(9) for having a sign on a vehicle or trailer and for having an outdoor advertising sign without a permit under 377.725(1).

In our conversation, you requested further information regarding the sign violations. To that end, please review the definition of an Outdoor Advertising Sign in ORS 377.710(21):

(21) "Outdoor advertising sign" means:

- (a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or
- (b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign for the right to place the sign on another's property.

And the details and definitions regarding outdoor advertising signs in Oregon Administrative Rule, Chapter 734, Division 65. I'm attaching the rule language for OAR 734-059-0020; -0025; -0030 and -0040 here; and this language as well as the rules can be accessed from the Oregon Secretary of State's website at: <https://secure.sos.state.or.us/oard/displayChapterRules.action>.

Additionally, you asked for a list of available relocation credits. Those are in the attached excel file. Please note that the restrictions on the location where new signs may be permitted, as well as size limitations based on the relocation credit used. The department offers a free preliminary review of proposed sign locations, which does not guarantee a new sign requirements, but can identify concerns or issues. Also, please feel free to reach out to us regarding the status of a relo prior to purchasing. If there are any restrictions or changes to the credit, we can alert you to those.

All corporations in Oregon are required to be represented by legal counsel during the Administrative Hearing process, s free to review the information with your legal counsel, as desired; and do please let myself, or our program analyst, Det know if you have additional questions or need further information.

You are welcome to contact us via return email, using the Outdoor Advertising General email at OutdoorAdvertising@odot.oregon.gov, or via phone using the contact number in my signature line below.

Thank you in advance for your assistance in helping to resolve this concern.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

<734-059-0020; 0025; 0030; 0040 Def's.doc><20221031 ReloCreditList.csv>

<377.710 Definitions.doc><377.715 - Basics & Not in ROW.doc><377.720 - Prohibited.doc><377.723 - Local sign-off.doc><377.725 - Permits.docx><377.750 - Spacing.doc><377.767 - Relocation.doc><734-059-0015 Definitions 2021.docx><RC-20221101071016.csv>

<734-059-0015 Definitions 2021.docx><734-059-0040 Qualifying as a Business-Activity Open to Pub.doc><377.715 - Basics & Not in ROW.doc>

Aaron Shelley, Ph.D, MSS, SCCC, SPN, SSC, CFT
Director of Operations
503-841-8869
<https://mthoodcenter.com>
<https://www.facebook.com/coachaaronshelley>

From: Aaron Shelley <aaron@themthoodcenter.com>

Date: Thu, Apr 6, 2023 at 10:08?AM

Subject: Re: Ongoing code concern

To: Kim Benthin <KBENTHIN@clackamas.us>

Hi Kim,

Thanks for your patience.

We are doing our best to get the containers moved. As I've mentioned previously, we have had a very hard time scheduling the containers for removal because the ground has been saturated and no crane or forklift can safely get onto the site without protective matting, which has been cost prohibitive. The ground is just now starting to firm up.

We've re-listed the containers for sale and are working on a few options with local buyers that can get them moved now that the weather has improved. I'll keep you posted on the progress. Thank you.

Best regards,

Aaron Shelley