



NOTICE OF RESET HEARING

June 25, 2025

Cassius LLC
29450 SE Haley Rd
Boring, OR 97009

Aaron Shelley
29450 SE Haley Rd
Boring, OR 97009

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

Hearing Date: ~~July 10, 2025~~ July 22, 2025

Time: This hearing will begin at 10:00 am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer



NOTICE OF HEARING

June 18, 2025

Cassius LLC
29450 SE Haley Rd.
Boring, OR 97009

Aaron Shelley
29450 SE Haley Rd.
Boring, OR 97009

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

Hearing Date: Thursday, July 10, 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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to mdn2inc@yahoo.com and aaron@methoodcenter.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. **Closed captioning is available for the zoom platform upon request.**

If you would like to present evidence at the Hearing please email or mail your evidence to Clackamas County Code Enforcement, Attn 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

The hearing for July 10, 2025 has been moved to July 22, 2025 due to a scheduling conflict.

Topic: Code Enforcement Hearing - Cassius LLC - V0049121

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/81823196450?pwd=oeRAYGCZJhGzmnc0FhpYjVvXPq5OUs.1>

Passcode:184320

Phone one-tap:

+16699006833,,81823196450#,,,,*184320# US (San Jose)

+17193594580,,81823196450#,,,,*184320# US

Join via audio:

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 408 638 0968 US (San Jose)
+1 669 444 9171 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US

Webinar ID: 818 2319 6450

Passcode: 184320

International numbers available: <https://clackamascounty.zoom.us/j/81823196450>

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)
206.247.11.121 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
159.124.15.191 (Amsterdam Netherlands)
159.124.47.249 (Germany)
159.124.104.213 (Australia Sydney)
159.124.74.212 (Australia Melbourne)
170.114.180.219 (Singapore)
64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
159.124.196.25 (Canada Vancouver)
170.114.194.163 (Japan Tokyo)
147.124.100.25 (Japan Osaka)

Meeting ID: 818 2319 6450

Passcode: 184320

SIP: 81823196450@zoomcrc.com

Passcode: 184320

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:

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 17th day of June, 2025.

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

Kimberly Benthin
Code Enforcement Specialist
For Clackamas County

CLACKAMAS COUNTY,

Petitioner,

v.

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, 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 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.

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 of \$1,000.00
- The administrative compliance fee to be imposed from November 2021 to June 2024 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

06-03-2025 17:51

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

[New Search](#)

Associated Names

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

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

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

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

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

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

[New Search](#)








Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
CASSIUS, LLC	EN	CUR	03-19-2019	

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

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	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	

© 2025 Oregon Secretary of State. All Rights Reserved.

FATCO NO. 3207140-6R

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 Stn=53 CINDY
\$30.00 \$16.00 \$10.00 \$62.00

\$118.00

After recording return to:

Cassius LLC

29450 SE Lariat

Boring, OR 97009

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
Sherry Hall, County Clerk

2019-015335

03/25/2019 11:24:00 AM

D-D Cnt=1 Stn=7 BARBARA
\$15.00 \$16.00 \$10.00 \$62.00

\$103.00

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)

FIRST AMERICAN 3207140-BB

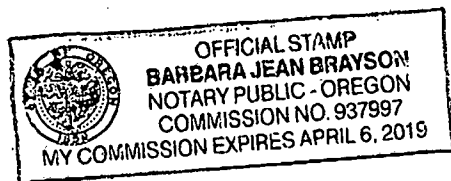
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2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

STATE OF Oregon)
multnomah) ss.
County of Clackamas)

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




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, 20 19.

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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

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.

오.



Mt Hood Center



Book now



Like



Message



Revolution [80s Party Hits] at M...

Mt Hood Center

Music · 475 guests

☆ Interested



Page Transparency

See all

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.



Page created - March 4, 2019



Page manager location: United States

Related Pages



Horse Haven

Sports & Recreation



Like



North Valley OHSET

School Sports Team



Like



Madison's Horse Diary

Personal Blog



Like

Add Your Business to Facebook

Showcase your work, create ads and connect with customers or supporters.

Create Page



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

Exhibit D Page 1 Of 1
19 Comments 1 Share



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 Benthin
Code Enforcement Specialist
Code Enforcement Section

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact Code Enforcement to resolve the violations described in the enclosed letter. **An administrative compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Compliance Hearings Officer.
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 Beavercreek 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: 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 Beavercreek 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?



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



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 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Violation File # : 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.

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

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@mt Hood Center.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.

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

BASIC READ ONLY

Fullscreen Legend

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.

>

<OSSC 105.2 Work exempt from permit.JPG>

Exhibit J Page 7 of 8

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

Chapter 14 Heating and Cooling Equipment and Appliances

Chapter 15 Exhaust Systems

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.

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 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).

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, bls@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:

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
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

*****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/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 <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,

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>

CONTENTS



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

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:

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

CONTENTS

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

BASIC READ ONLY

Fullscreen Legend

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

Shipping container dimensions vary in length and width. Most commonly, containers are around 10-feet, 20-feet, or 40-feet 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.



04/14/2025 11:32