



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

## **NOTICE OF RESET HEARING**

January 12, 2025

John D Bird  
PO Box 56744  
Portland, OR 97238

**RE:** County of Clackamas v. John D. Bird  
**File:** V0003015

**Hearing Date:** February 12, 2026

**Time:** This item will not begin before 10:00 am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

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

Enclosures  
CC: Carl Cox -Compliance Hearings Officer

## **STATEMENT OF RIGHTS**

**1. Prior to the Hearing.** You have the right to make the following requests:

- (A) You can request the opportunity to review public records and talk to County Staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
- (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
- (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.

**2. Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence; the burden is on the County to establish by a preponderance of evidence that a violation exists or existed. Either party may, at their own expense, obtain an attorney, to represent that at the hearing. If you wish to be represented by an attorney, they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

**3. Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.

**4. Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence and interpret and apply the law. After the hearing is closed, the Hearings Officer will enter written findings of fact, conclusions of law and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a final order or a continuing order. The Hearings Officer Order is the final decision of the County, and may be appealed pursuant to Oregon Law. The Hearings Officer for Clackamas County is:

**Carl Cox**  
**Attorney at Law**  
**14725 NE 20<sup>th</sup> 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.



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You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been emailed to [John.Bird@united.com](mailto:John.Bird@united.com). A copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist.

If you would like to present evidence at the Hearing please email Kimberly Benthin at [KimBen@clackamas.us](mailto:KimBen@clackamas.us) or mail your evidence to Kimberly Benthin at 150 Beavercreek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will process your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

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

If you are unfamiliar with using the Zoom platform, please perform an internet search of "how to use Zoom" and there are many interactive guides available. **When joining the webinar please accept the request to join as a panelist.**

If you experience difficulties connecting to the Zoom hearing **before** your scheduled start time, please call 971-930-6134 for assistance.

Zoom Invite:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/85435360157?pwd=isajPuxQeABb4fIUeO2Uc2mfmkkZMd.1>

Passcode: 325089

Phone one-tap:

+12532050468,,85435360157# US,,+12532158782,,85435360157# US (Tacoma)

Join via audio:

+1 253 205 0468 US	+1 689 278 1000 US
+1 253 215 8782 US (Tacoma)	+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)	+1 305 224 1968 US
+1 408 638 0968 US (San Jose)	+1 309 205 3325 US
+1 669 444 9171 US	+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)	+1 360 209 5623 US
+1 719 359 4580 US	+1 386 347 5053 US
+1 564 217 2000 US	+1 507 473 4847 US
+1 646 876 9923 US (New York)	
+1 646 931 3860 US	Webinar ID: 854 3536 0157

International numbers available: <https://clackamascounty.zoom.us/u/kpuaefUju>

## **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](http://www.clackamas.us/transportation/nondiscrimination)

**¡LE DAMOS LA BIENVENIDA!** Spanish

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

**ДОБРО ПОЖАЛОВАТЬ!** Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: [www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)

**欢迎!** Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息, 请访问  
[www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)

**CHÀO MỪNG!** Vietnamese

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

**환영합니다.** Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은  
홈페이지 [www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)

BEFORE THE COMPLIANCE HEARINGS OFFICER  
For  
COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

v.

Petitioner,

JOHN D BIRD

Respondent.

File No: V0003015

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is PO Box 56744, Portland, OR 97238

2.

The Respondent owns and occupies the address or location of the violations of law alleged in this Complaint 3723 SE Pinehurst Ave, Milwaukie, OR 97267, also known as T2S, R1E, Section 01DD, Tax Lot 01300, and is located in Clackamas County, Oregon. The property is zoned Urban Low Density Residential R-10 Section 315 and is the location of violations asserted by the County.

3.

On or about the 20<sup>th</sup> day of April 2015 and on or about the 6th day of March 6, 2017, the Respondent violated the following laws, in the following ways:

Respondent violated Chapter 10.03 of the Clackamas County Solid Waste

and Wastes Management Code, Section 10.03.100 by accumulating waste including but not limited to inoperable vehicles, and vehicle parts. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

On or about the 26<sup>th</sup> day of June 2017 the Respondent violated the following laws, in the following ways:

Respondent violated Chapter 10.03 of the Clackamas County Solid Waste and Wastes Management Code, Section 10.03.100 by accumulating waste including but not limited to inoperable vehicles, and vehicle parts. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

5.

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

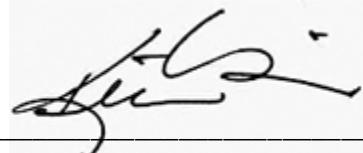
6.

Notice of the violation was given to Respondents in the following manner: Notice of Violation dated April 20, 2015, and Administrative Citation #1530 dated March 6, 2017, and Administrative Citation # 1530-2 dated June 26, 2017. A copy of the notice documents is attached to this Complaint as Exhibits E, K, and N respectively, and incorporated by this reference.

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent 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 Chapter 10.030 Priority 2 violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code;
3. Pursuant to Clackamas County Code Section 2.07.090, ordering 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 9th day of December 2025.



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Kimberly Benthin  
Code Enforcement Specialist  
For Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

JOHN D. BIRD,

Respondent.

File No.: V0003015

**STATEMENT OF PROOF**

**History of Events and Exhibits:**

January 9, 2015      Clackamas County received a complaint about an accumulation of waste, and inoperable vehicles under tarps.  
Exhibit: A, B

January 26, 2015      Correspondence regarding the allegations was mailed to the Respondent.  
Exhibit: C

April 16, 2015      An inspection of the property was conducted by Code Enforcement Specialist (CES) Kimberly Benthin. Photos were taken during this inspection. Items found on site include inoperable vehicles; items covered in tarps, vehicle parts and miscellaneous items.  
Exhibit: D

April 20, 2015      Facts of the alleged violation were reviewed, the solid waste code violation verified, and a Notice of Violation was mailed to the Respondent. The Notice was mailed via first class mail.  
Exhibit: E

June 11, 2015      CES Benthin performed a site inspection. An accumulation of waste was found on site. Items found on site include but are not limited to: inoperable vehicles, items covered in tarps, vehicle parts and miscellaneous items.  
Exhibit: F

September 8, 2015      The deadline of June 1, 2015 to abate the violation of the Solid Waste Code was not met. A second violation notice with a new deadline of October 1, 2015, was mailed to the Respondent via first class mail.  
Exhibit: G

September 30, 2015      Correspondence regarding a new extension to the deadline for compliance was mailed by first class and sent by email to the Respondent. The new deadline was December 1, 2015.  
Exhibit: H

December 2, 2015- January 6, 2016 Exhibit: I	CES Benthin and Respondent exchanged emails regarding progress. A new deadline of February 16, 2016, was set to gain compliance.
February 16, 2017 Exhibit: J	Code Enforcement Specialist Guy Matychuk performed a site inspection. The property remained in a state of violation with inoperable vehicles, and tarped items.
March 6, 2017 Exhibit: K	Citation #1530 issued for the violation of the Solid Waste and Wastes Management Code. It was sent via first class mail to the Respondent. This citation has been paid.
May 2, 2017 Exhibit: L	Respondent sent an email update with photos of progress. CES Benthin replied by email on May 8 <sup>th</sup> and requested an estimate date of completion. No response was received for the estimated date.
May 10, 2017 Exhibit: M	A site inspection occurred photos were taken, the property was found to remain in violation with numerous inoperable and/or not currently licensed vehicles, miscellaneous items and some vehicles were tarped.
June 26, 2017 Exhibit: N	Citation #3015- 2 issued for the solid waste code violation sent via first class mail. The first-class mail was not returned. This citation has not been paid.
July 6 - October 4, 2017 Exhibit: O	Respondent provided emails stating he had made progress with photos attached.
October 17, 2017 Exhibit: P	An inspection was carried out by Code Enforcement Specialist Mike Boyes the property remained in violation. Inoperable vehicles, tarped covered items and miscellaneous debris remained on site.
July 25, 2017, through February 16, 2021 Exhibit: Q	The subject property remained in a state of violation inspections occurred over time.
December 4, 2024 Exhibit: R	CES Benthin conducted an inspection. The property remained in violation of the solid waste code. Photos were taken during the inspection.

July 31, 2025                    CES Benthin conducted an inspection and found that items are affecting the roadways. The inspection revealed that there are significantly more items than when inspected in December.

December 9, 2025            This file was prepared for a hearing date to be set.

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

The County requests:

- That it be noted that Citation No. 1530 for \$75.00 for the Priority 2 Solid Waste and Wastes Management Code violation, was paid by the Respondent.
- Assessment of a civil penalty of \$500.00 and up to \$2,500.00 for Priority 2 Solid Waste and Wastes Management Code violation for date cited March 6, 2017.
- Payment of Citation No. 1530-2 for \$400.00 for the Priority 2 Solid Waste Code violation. This citation was not paid.
- Assessment of a civil penalty between \$500.00 and \$2,500.00 for the Priority 2 Solid Waste Code violation for date cited June 26, 2017.
- Assessment of an administrative compliance fee calculated at the rate of \$75.00 per month starting February 2015 through end of June 2025, subtotaling \$9,675.00. The County is requesting a reduction of \$6,150.00 in the assessed administrative compliance fee due to 82 months of inactive code enforcement activity and is seeking a total administrative compliance fee of \$3,525.00, for this period.
- Assessment of an administrative compliance fee calculated at the rate of \$100.00 per month starting July 2025 through date of abatement or date of final order subtotaling \$600.00.
- The County requests that reimbursement be ordered for any expense the County incurs in collection of these monies.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

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

That not more than 30 days of the date of the Continuing Order,

- The Respondent bring the property into compliance with the Solid Waste and Wastes Management Code Chapter 10.03. It is requested the Respondent schedule an onsite inspection with Code Enforcement Staff to verify that any remaining tarped items are not covering waste and are compliant with the code.

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



Clackamas County Official Records  
Sherry Hall, County Clerk

2012-051768

08/13/2012 01:04:28 PM

D-D Cnt=1 Sth=25 LESLIEFLY  
\$15.00 \$16.00 \$10.00 \$17.00

\$58.00

After recording return to:

John D. Bird  
PO Box 56744  
Portland, OR 97238

Until a change is requested all tax statements shall be sent to the following address:

John D. Bird  
PO Box 56744  
Portland, OR 97238

File No.: 7000-1912185 (rmn)

Date: August 06, 2012

1912185-60

FIRST AMERICAN

## STATUTORY BARGAIN AND SALE DEED

**John Derek Bird**, Grantor, conveys to **John D. Bird**, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$0.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 7 day of AUGUST, 2012.

APN: 00178293

**Bargain and Sale Deed**  
- continued

File No.: 7000-1912185 (rmn)  
Date: 08/06/2012

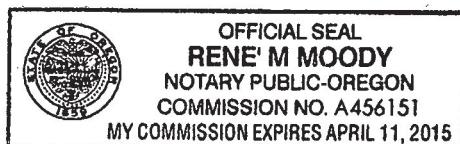
John Derek Bird

STATE OF Oregon )  
County of Clackamas )ss.

This instrument was acknowledged before me on this 23 day of August, 2012, by **John Derek Bird**.

Notary Public for Oregon

My commission expires: 09.11.15



**EXHIBIT A**

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

**Part of Lot 13, PINEHURST, in the County of Clackamas and State of Oregon, described as follows:**

**2 1E 01DD 01300 00178293**

Beginning at the Northwest corner of said Lot 13; thence North 89°57'30" East along the North line of said lot, 275.08 feet to the Northeast corner of Lot 4, PINEHURST TERRACE, a recorded plat; thence South along the West line of said plat, 371.75 feet to the Southwest corner thereof, and a point in the North line of Pinehurst Road; thence North 89°53'30" West along the North line of said road, 112.52 feet to the true point of beginning of the tract herein to be described; thence Northeasterly on a tangent curve to the left having a radius of 10 feet, a central angle of 90°06'30", an arc distance of 15.73 feet; thence North 41.53 feet; thence on an 80 foot radius curve to the left through a central angle of 26°22'45", an arc distance of 36.83 feet; thence North 26°22'45" West, 3.63 feet; thence West 163.51 feet to a point in the West line of said Lot 13, which is 90.0 feet North of the North line of said Pinehurst Road; thence South along the West line of said Lot 13, a distance of 90 feet to the North line of Pinehurst Road; thence East along the North line of said road, 164.22 feet, more or less, to the true point of beginning.

**NOTE:** This legal description was created prior to January 1, 2008.





**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

January 26, 2015

John Bird  
P.O. Box 56744  
Portland, OR 97238

**Subject: Alleged Violation of the Solid Waste Code, Title 10 of the Clackamas County Code**

Site Address: 3723 SE Pinehurst Ave., Milwaukie, OR 97267  
Legal Description: T2S, R1E, Section 01DD, Tax Lot 01300

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

This may constitute a violation of the Solid Waste Code, Title 10 of the Clackamas County Code.

Please contact me within ten (10) days of the date of this letter in order to discuss this matter. My e-mail address is [kimben@clackamas.us](mailto:kimben@clackamas.us) and my telephone number is 503-742-4457.

A handwritten signature in black ink, appearing to read "KIMBERLY BENTHIN".

KIMBERLY BENTHIN  
Clackamas County Code Enforcement

*\*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.*







April 20, 2015

John D. Bird  
P.O. Box 56744  
Portland, OR 97238

**Subject: Violation of the Clackamas County  
Solid Waste and Waste Management Code Chapter 10.03**

Site Address: 3723 Pinehurst Ave, Milwaukie, OR 97267

Legal Description: T2S, R1E, Section 1DD, Tax Lot 1300

This letter is in follow up to a conversation with John Bird held on February 4 and March 26, 2015. It was agreed upon the above referenced property would be made compliant with the Solid Waste and Waste Management Code **no later than April 15, 2015**. This property has been in violation of the Solid Waste and Waste Management Code Chapter 10.03 several times in the past. Recently a representative from the Code Enforcement Section conducted an inspection of the subject property.

During this inspection, it was confirmed that large areas are tarped, miscellaneous tools, tractor tire and vehicles remain on site, a large yellow pickup full of scrap metal is also on site, all which appear to be in violation of the Clackamas County Code.

To abate the solid waste violation involving **all** inoperable and/or non-currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers **no later than June 1, 2015**:

- **Remove** inoperable and/or non-currently licensed vehicles from the property, **and/or**;
- **Render** inoperable and/or non-currently licensed vehicles operable and licensed to persons currently residing on the subject property, **and/or**;
- **Place** inoperable and/or non-currently licensed vehicles owned by persons currently residing on the subject property inside a permitted structure, **and/or**;
- **Screen** up to two inoperable and/or non-currently licensed vehicles from view from the road and surrounding properties in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C).enclosed)

This accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and, therefore, violates the Clackamas County Code, Chapter 10.03, Solid Waste and Waste Management. Your cooperation is solicited to store out of sight all articles of solid waste that you wish to keep and to remove the remainder to an authorized disposal facility. Additionally, all putrescible waste will be stored in a rodent-proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of **once every seven (7) days**. **Covering solid waste with a tarp does not remove the items from violation.**

Remove all solid waste place those items you wish to keep within a permitted structure or screen from view per Ch.10.03.060 C. **no later than June 1, 2015:**

If you have any questions my direct telephone number is 503-742-4457 and my email is [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us).

A handwritten signature in black ink, appearing to read "K. Benthin".

Kimberly Benthin  
Code Enforcement Specialist  
Code Enforcement Section

## Required Notice of Fines and Penalties

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of an administrative fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$1,000 for each day the county verifies the noncompliance. Fine amounts and civil penalties are assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may waive all or part of the \$75 per month administrative fee.

Unpaid fines, administrative fees, civil penalties and abatement costs may be recorded as a lien against property owned by any of the parties either jointly or separately.

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.

Finally, recurrences of abated violations will result in the issuance of a citation without prior notice.

## **Clackamas County Code Chapter**

### **10.03 SOLID WASTE AND WASTES MANAGEMENT**

(The entire code can be found on the Clackamas County website)

Excerpts:

#### **10.03.060 Solid Waste or Wastes Accumulation Prohibited**

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

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

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

12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

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

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

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

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

### **10.03.030 Definitions**

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

“(58). SOLID WASTE OR WASTES shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land-clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special

vehicles and equipment that are immobile and/or inoperable, mobile homes or trailer houses which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of solid waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms solid waste or wastes do not include:

- a. Environmentally hazardous wastes as defined in ORS Chapter 466.
- b. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes.
- c. Septic tank and cesspool pumping or chemical toilet waste;
- d. For purposes of Section 10.03.140 to 10.03.330 of this chapter, reusable beverage containers as defined in ORS 459A.
- e. Source-separated, principal recyclable materials as defined in ORS 459A and the rules promulgated thereunder and under this chapter, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Section 10.03.060 to 10.03.080 of this chapter.
- f. Applications of industrial sludge or industrial waste by-products authorized through a Land Use Compatibility Statement or Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually.
- g. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations. Sludge derived products applied for beneficial uses on land in landscaping projects. “







September 8, 2015

John D. Bird  
P.O. Box 56744  
Portland, OR 97238

**Subject: Violation of the Clackamas County  
Solid Waste and Waste Management Code Chapter 10.03**

Site Address: 3723 Pinehurst Ave, Milwaukie, OR 97267  
Legal Description: T2S, R1E, Section 1DD, Tax Lot 1300

A recent inspection revealed that the above referenced property remains out of compliance with the Solid Waste and Waste Management Code. When we spoke on February 4<sup>th</sup>, it was agreed that clean-up to the property could be completed by March 15<sup>th</sup>. A site inspection occurred on April 16, 2015 and found the property remained in violation. Correspondence was mailed April 20<sup>th</sup>, (enclosed) that outlined a June 1, 2015 deadline. On June 2<sup>nd</sup> I received an email from you asking to postpone the inspection, requesting an extension to the deadline and to meet with me at the County offices on the next day. I sent an email in response.

I have not heard from you since that date. This property has been in violation of the Solid Waste and Waste Management Code Chapter 10.03 several times in the past. The most recent inspection reveals that numerous tarped structures, miscellaneous tools, vehicle parts and vehicles remain on site all which appear to be in violation of the Clackamas County Code.

As a reminder, the Solid Waste and Waste Management Code specifically states that covering solid waste with a tarp or tarp-like structure does not remove the items from the violation. An inspection must be made to confirm that the numerous tarp structures on site contain code complaint items.

Please bring the property into compliance with the Solid Waste and Waste Management Code Chapter 10.03 **no later than October 1, 2015**, by removing all solid waste items; those items you wish to keep may be placed within a permitted structure or screened from view in compliance with Ch.10.03.060 C.

The County has received statements that the accumulation of items on your property is a result of a business or commercial activity. If this is indeed the case then you will require a land use authorization for this activity.

If you have any questions my direct telephone number is 503-742-4457 and my email is [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us). Please contact me before the deadline to schedule an inspection.



Kimberly Benthin  
Code Enforcement Specialist  
Code Enforcement Section

Enclosure

## Required Notice of Fines and Penalties

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of an administrative fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$1,000 for each day the county verifies the noncompliance. Fine amounts and civil penalties are assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may waive all or part of the \$75 per month administrative fee.

Unpaid fines, administrative fees, civil penalties and abatement costs may be recorded as a lien against property owned by any of the parties either jointly or separately.

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.

Finally, recurrences of abated violations will result in the issuance of a citation without prior notice.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 20, 2015

John D. Bird  
P.O. Box 56744  
Portland, OR 97238

COPY

**Subject: Violation of the Clackamas County  
Solid Waste and Waste Management Code Chapter 10.03**

Site Address: 3723 Pinehurst Ave, Milwaukie, OR 97267  
Legal Description: T2S, R1E, Section 1DD, Tax Lot 1300

This letter is in follow up to a conversation with John Bird held on February 4 and March 26, 2015. It was agreed upon the above referenced property would be made compliant with the Solid Waste and Waste Management Code **no later than April 15, 2015**. This property has been in violation of the Solid Waste and Waste Management Code Chapter 10.03 several times in the past. Recently a representative from the Code Enforcement Section conducted an inspection of the subject property.

During this inspection, it was confirmed that large areas are tarped, miscellaneous tools, tractor tire and vehicles remain on site, a large yellow pickup full of scrap metal is also on site, all which appear to be in violation of the Clackamas County Code.

To abate the solid waste violation involving **all** inoperable and/or non-currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers **no later than June 1, 2015**:

- **Remove** inoperable and/or non-currently licensed vehicles from the property, **and/or**;
- **Render** inoperable and/or non-currently licensed vehicles operable and licensed to persons currently residing on the subject property, **and/or**;
- **Place** inoperable and/or non-currently licensed vehicles owned by persons currently residing on the subject property inside a permitted structure, **and/or**;
- **Screen** up to two inoperable and/or non-currently licensed vehicles from view from the road and surrounding properties in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C).enclosed)

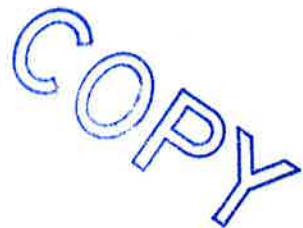
This accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and, therefore, violates the Clackamas County Code, Chapter 10.03, Solid Waste and Waste Management. Your cooperation is solicited to store out of sight all articles of solid waste that you wish to keep and to remove the remainder to an authorized disposal facility. Additionally, all putrescible waste will be stored in a rodent-proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of **once every seven (7) days**. **Covering solid waste with a tarp does not remove the items from violation.**

Remove all solid waste place those items you wish to keep within a permitted structure or screen from view per Ch.10.03.060 C. **no later than June 1, 2015:**

If you have any questions my direct telephone number is 503-742-4457 and my email is [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us).



Kimberly Benthin  
Code Enforcement Specialist  
Code Enforcement Section



COPY

### Required Notice of Fines and Penalties

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The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$1,000 for each day the county verifies the noncompliance. Fine amounts and civil penalties are assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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Unpaid fines, administrative fees, civil penalties and abatement costs may be recorded as a lien against property owned by any of the parties either jointly or separately.

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.

Finally, recurrences of abated violations will result in the issuance of a citation without prior notice.

## Clackamas County Code Chapter

### 10.03 SOLID WASTE AND WASTES MANAGEMENT

(The entire code can be found on the Clackamas County website)

COPY

Excerpts:

#### 10.03.060 Solid Waste or Wastes Accumulation Prohibited

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

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

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

COPY

12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

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

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

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

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

#### **10.03.030 Definitions**

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

“(58). SOLID WASTE OR WASTES shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land-clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special

COPY

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- a. Environmentally hazardous wastes as defined in ORS Chapter 466.
- b. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes.
- c. Septic tank and cesspool pumping or chemical toilet waste;
- d. For purposes of Section 10.03.140 to 10.03.330 of this chapter, reusable beverage containers as defined in ORS 459A.
- e. Source-separated, principal recyclable materials as defined in ORS 459A and the rules promulgated thereunder and under this chapter, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Section 10.03.060 to 10.03.080 of this chapter.
- f. Applications of industrial sludge or industrial waste by-products authorized through a Land Use Compatibility Statement or Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually.
- g. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations. Sludge derived products applied for beneficial uses on land in landscaping projects. “



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

September 30, 2015

John D. Bird  
P.O. Box 56744  
Portland, OR 97238

Via email: [John.Bird@united.com](mailto:John.Bird@united.com)

**Subject: Violation of the Clackamas County  
Solid Waste and Waste Management Code Chapter 10.03**

Site Address: 3723 Pinehurst Ave, Milwaukie, OR 97267  
Legal Description: T2S, R1E, Section 1DD, Tax Lot 1300

This letter is in follow up to our conversation on today's date in the County lobby. It was agreed to extend tomorrow's deadline to **December 1, 2015**. This is the fourth extension for this violation.

As a reminder, the Solid Waste and Waste Management Code specifically states that covering solid waste with a tarp or tarp-like structure does not remove the items from the violation. An inspection must be made to confirm that the numerous tarp structures on site contain code complaint items.

If you have any questions my direct telephone number is 503-742-4457 and my email is [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us). Please contact me before the deadline to schedule an inspection.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin'.

Kimberly Benthin  
Code Enforcement Specialist  
Code Enforcement Section

## Required Notice of Fines and Penalties

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of an administrative fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

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Unpaid fines, administrative fees, civil penalties and abatement costs may be recorded as a lien against property owned by any of the parties either jointly or separately.

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.

Finally, recurrences of abated violations will result in the issuance of a citation without prior notice.

## Benthin, Kim

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**From:** Bird, John <John.Bird@united.com>  
**Sent:** Wednesday, January 6, 2016 7:41 PM  
**To:** Benthin, Kim  
**Subject:** RE: T2S, R1E, Section 1DD, Tax Lot 1300

Kimberley,

I hope your holidays went well for you also. Thanks for the extension. There is still much to do, and the progress seems to be non exitent at times, but I am still moving forward. I can't wait to have this done. The nice part is, my efforts are encouraging my friends to reduce what they have as well. I'll send you an update soon.

Thanks again,

John

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**From:** Benthin, Kim [KimBen@co.clackamas.or.us]

**Sent:** Tuesday, January 05, 2016 11:59 PM

**To:** Bird, John

**Subject:** RE: T2S, R1E, Section 1DD, Tax Lot 1300

Dear John,

I hope the holidays went well for you and that you had no ill effects of the incredibly wet December weather.

I am writing to you today to let you know that I recently conducted a site inspection and continue to find that you have made progress. There is still much to do, however.

I am willing to grant you an extension to February 16, 2016.

Please keep me apprised of your progress.

Best,

*Kimberly Benthin*

Code Enforcement Section  
Clackamas County

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**From:** Benthin, Kim

**Sent:** Wednesday, December 02, 2015 10:01 AM

**To:** 'Bird, John'

**Subject:** RE: T2S, R1E, Section 1DD, Tax Lot 1300

Dear John,

We last met on September 30, 2015, I remember we had a pleasant conversation and you explained that you are a collector and also lined out the progress you had made and will continue to make. I also provided you again the copy of the code regarding tarps and tarp structures. At that time the deadline was the next day, October 1<sup>st</sup>. We agreed to a new deadline of December 1<sup>st</sup>.

There are many good people in the world; and I am sure you are one of them. Your character references will not affect nor remedy the solid waste code violation. I would urge you to spend time on abating the solid waste code rather than spending time on gathering character references.

In your email below you have mentioned the progress you have made and that some of the empty tarp structures have been dismantled. I will drive by and see what progress has been made. If I can confirm progress has been made on site I will send you a notice of a deadline extension.

I do understand, as we discussed on September 30<sup>th</sup>, the magnitude of this project to gain compliance for your property. It is also clear that you have methods to deal with the items, craigslist, sales, garage sales, storage, etc. Please continue to work on this issue so that it is permanently resolved.

Let me know if you have any questions. I will conduct a site inspection soon and get back to you.

*Kimberly Benthin*

Code Enforcement Section  
Clackamas County

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**From:** Bird, John [<mailto:John.Bird@united.com>]

**Sent:** Wednesday, December 02, 2015 5:30 AM

**To:** Benthin, Kim

**Subject:** T2S, R1E, Section 1DD, Tax Lot 1300

Hi Kimberly,

First, my apologies. I had planned to send this to you on 30 November, but I had a reschedule on the sale of a liftgate that I had posted on craigslist from the afternoon to 8:30 am. I was anxious to get rid of it, so I agreed to the time. That gave me only 2 1/2 hours of sleep, so by the time I sat down to compose this, I was exhausted.

Second, thanks for the clarification on the tent structures. I hadn't looked at the code closely enough to see that it had changed in the years since the last time your office contacted me.

I feel like I didn't make all that great of an impression the last time we met. A friend suggested that I give you a little background on myself.

I live by myself. When my girlfriend was still living here, I never realized just how much free time splitting the household responsibilities gave me, and just how many household responsibilities that there are.

I have been an aircraft mechanic for United Airlines for 31 years. In all that time, I have worked during dayshift hours approximately 8 months, the rest has been on the off shift. My current schedule is 4:45 pm to 3:15 am on an 8 day week, with rotating days off (days off change forward by 1 day each week). I try to get to bed by 5:00-5:30 am, and get out of bed between 11:00 am and noon. I keep roughly the same hours on my days off. On my work days, it is difficult to interact with a world that works 9 to 5, and to get things done due to the time constraint of going to work. My schedule also makes it more difficult when working around the house when I am off. My most productive hours are usually the ones that I have to be the quietest because of the time of night. I have been on this schedule for so long that I am able to work around it for the most part.

As far as my property goes, I had been slowly reducing what I had since approximately spring of 2014, but it wasn't at the top of my list. Sadly, I was still in Cover-and Forget mode. Most of what I had collected was secured in the tent structures that I didn't ever look inside of, so I kind of forgot about it (out of sight, out of mind). As a result, just what was directly in front of me became what I was getting rid of. When your office contacted me in February, I made cleaning the yard my number one priority. I decided one of the ways to do this was to have a garage sale, so I opened up the tents to see what I could sell off. I was staggered by what I had. I literally had to sit on the ground. Why I had to have it in the first place baffles me. Why I had to hang on to it for so long baffles me more still. I wasn't doing anything with it, and most likely never would. So it had to go.

When we spoke at the beginning of October, I was confident that I would be able to have the yard cleaned up since I

had vacation in November from the 5th to the 25th. I wasn't certain that you understood though, that it was just me doing the cleanup. I had two friends stop by to help with my first garage sale, but that's been the extent of the help. I rented a storage space on 3 October, and have made great progress with the little stuff. Most of it is now in storage, and out of the yard. I am also uncovering and dismantling the tent structures. No need to leave them standing when they are empty. It was on my list to schedule dinner with a friend on November 17th or 18th to discuss storing a couple of vehicles at his house in Washington until I could get them sold (4 or 5 guys interested in them, but nothing for sure). I had also planned to cut up two other vehicles during that time as well. Things that would make the largest impact on the way the yard looks. Unfortunately, I got sick on the 15th, and am still not quite back up to 100 %.

I realize that it is difficult to convey to you just how much I want this issue permanently resolved Kimberly. I also realize it is difficult from your point of view, when you drive by the house and it looks like no real progress is being made. I can assure you that I am spending nearly all of my available free time on getting this finished. I know that you probably hear that same story from a lot of people, so my friend also suggested I make a list of character references-the people that I talk to almost daily as I am working to get the yard cleaned up. I have a list started, but now that the weather is colder/rainier I am not seeing these people as much I used to. I could send you the partial list now, and update it as I add to it.

Thank you for your time.

JohnBird

---

---

[Spam](#)

[Not spam](#)

[Forget previous vote](#)



2017/02/16



2017/02/16

Exhibit J Page 1 of 2





Citation No. 1530

Case No. V0003015-SW

# ADMINISTRATIVE CITATION

Date Issued: March 6, 2017

**Name and Address of Person(s) Cited:**

Name: John Bird  
Mailing Address: PO Box 56744  
City, State, Zip: Portland OR 97238

Date Violation(s) Confirmed: On the 13<sup>th</sup> day of February 2017, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 3723 SE Pinehurst Ave  
City, State, Zip: Milwaukie OR 97238

Legal Description: T2S, R1E Section 01DD, Tax Lot 1300

### Law(s) Violated

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section
- Other law:

**Description of the violation(s):**

1) Accumulation of inoperable and or not currently licensed vehicles, car parts, tires, and other miscellaneous debris.

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$75.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: March 6, 2017

## **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.

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

- a. Your name and address
- b. A copy of the citation
- 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: \_\_\_\_\_

**SENDER: COMPLETE THIS SECTION****COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

John Bird  
O Box 56744  
Portland OR 97238

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

MAP 21 2017

**A. Signature**

B. Received by (Printed Name)  
John B (120)

C. Date of Delivery  
3-21-17

D. Priority Mail Express®  
Priority Mail™  
Priority Mail Restricted  
Return Receipt for  
Merchandise  
Signature Confirmation™  
Signature Confirmation  
Restricted Delivery

E. Registered Mail®  
Registered Mail™  
Certified Mail®  
Certified Mail Restricted Delivery  
Collect on Delivery  
Collect on Delivery Restricted Delivery  
Insured Mail  
Insured Mail Restricted Delivery  
(over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**RECEIPT**

Clackamas County  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK RD.  
OREGON CITY, OR 97045

**Application:** V0003015

**Application Type:** CodeEnforcement/Violation/NA/NA

**Address:** 3723 SE PINEHURST AVE  
MILWAUKIE, OR 97267

---

**Receipt No.** 1237716

<b>Payment Method</b>	<b>Ref Number</b>	<b>Amount Paid</b>	<b>Payment Date</b>	<b>Cashier ID</b>	<b>Comments</b>	<b>Payor</b>
Check	1949	\$75.00	3/21/2017	DIANE B	Payment of Citation #1530	John Bird

**Owner Info.:** BIRD JOHN D  
PO BOX 56744  
PORTLAND , OR 97238

**Work Description:** INOP/NCL VEHICLES, MISC JUNK AND GARBAGE

## **Benthin, Kim**

---

**From:** Benthin, Kim  
**Sent:** Monday, May 8, 2017 8:28 AM  
**To:** 'Bird, John'  
**Subject:** RE: Yard Pictures

John,

Thank you for contacting me with your progress update. I hope the good weather holds!  
Do you have an estimate of date when your property will be a compliant status?

*Kimberly Benthin*

Code Enforcement Section  
Clackamas County

---

**From:** Bird, John [mailto:John.Bird@united.com]  
**Sent:** Tuesday, May 02, 2017 6:28 PM  
**To:** Benthin, Kim <KimBen@co.clackamas.or.us>  
**Subject:** Yard Pictures

---

Hi Kimberley,

Just wanted to update you on my yard progress. I have sold a large portion of my truck and parts collection to an old friend in Medford. The trucks have recently left my yard, and my next project is to get the parts together and on pallets to prepare them for their journey south.

Not quite perfect, but I'm getting there!

Enjoy the nice weather tomorrow.

John Bird

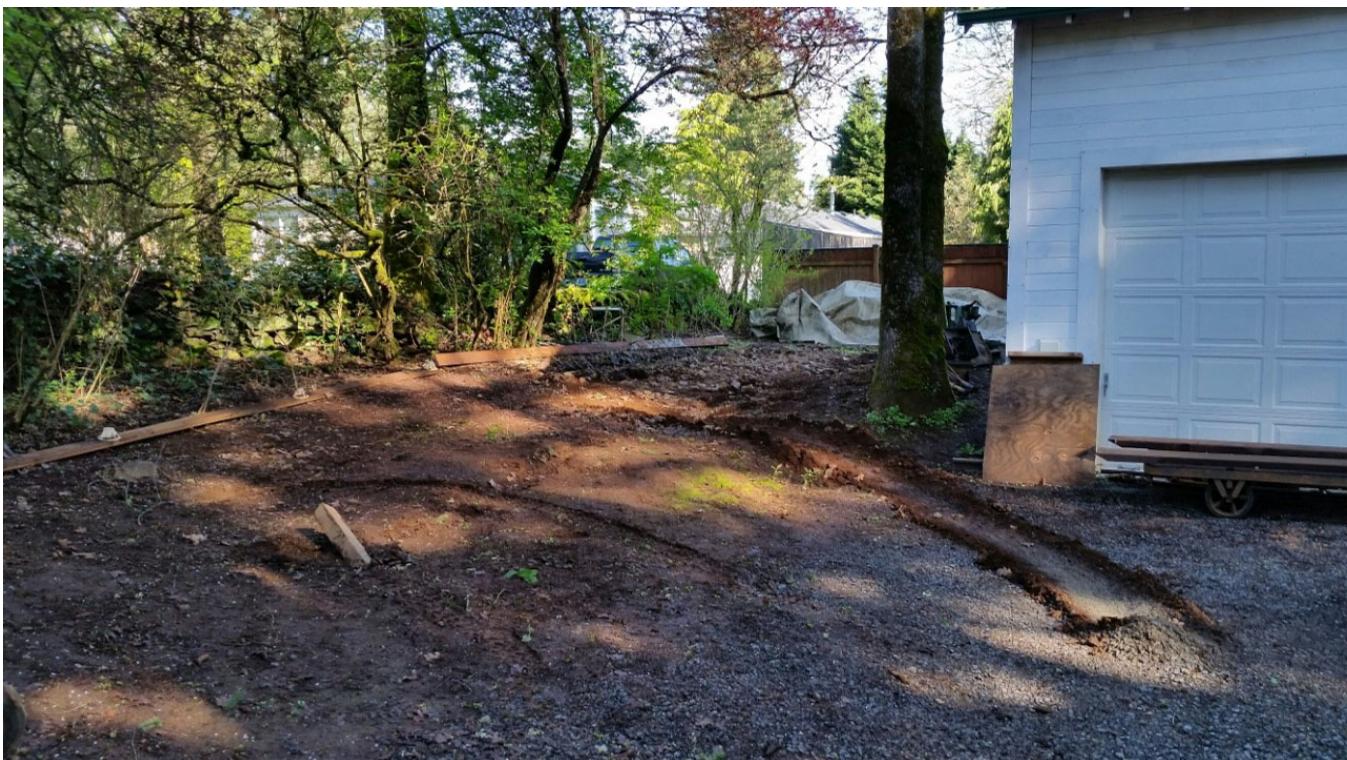
---

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam](#)

[Not spam](#)

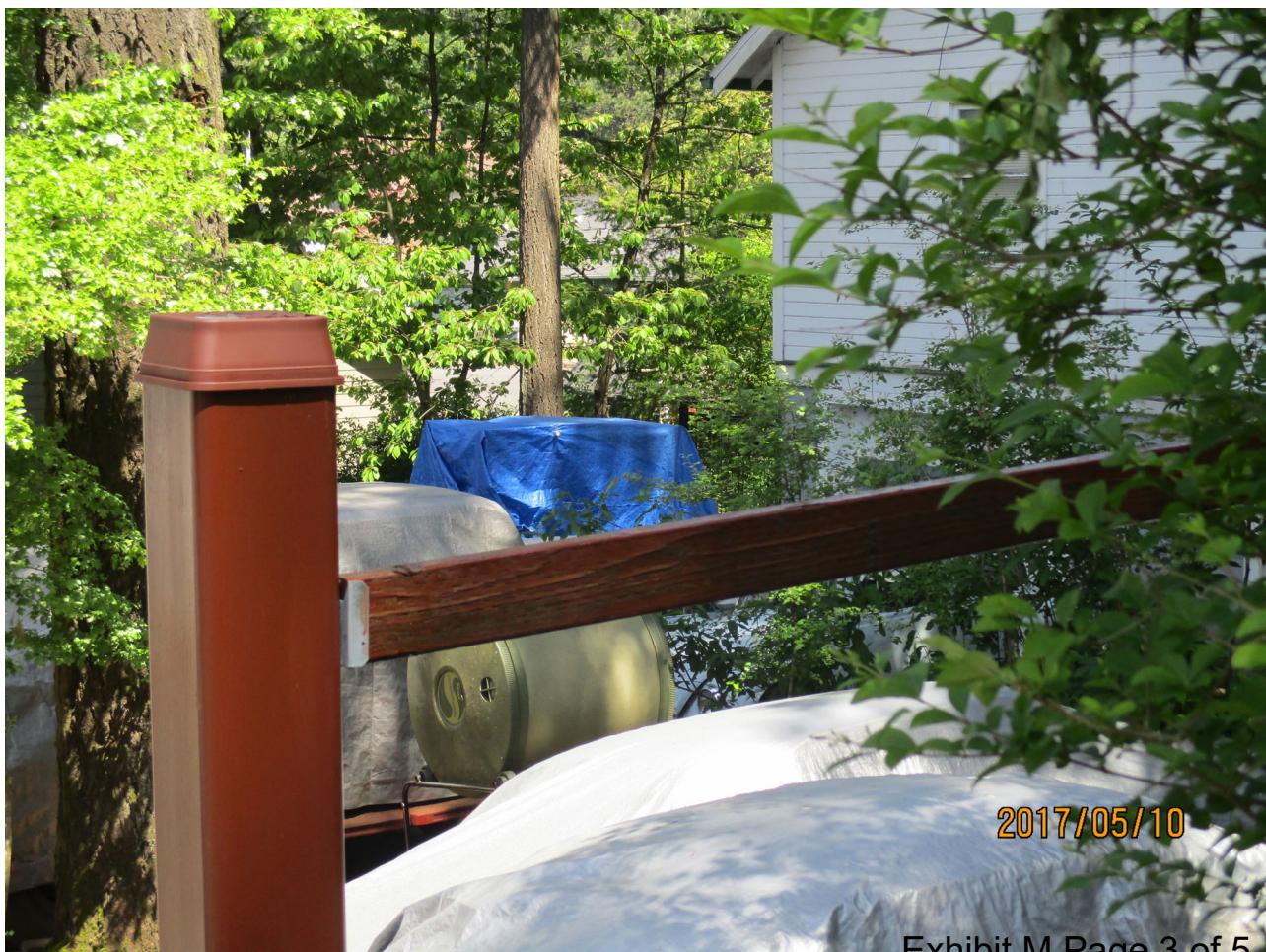
[Forget previous vote](#)



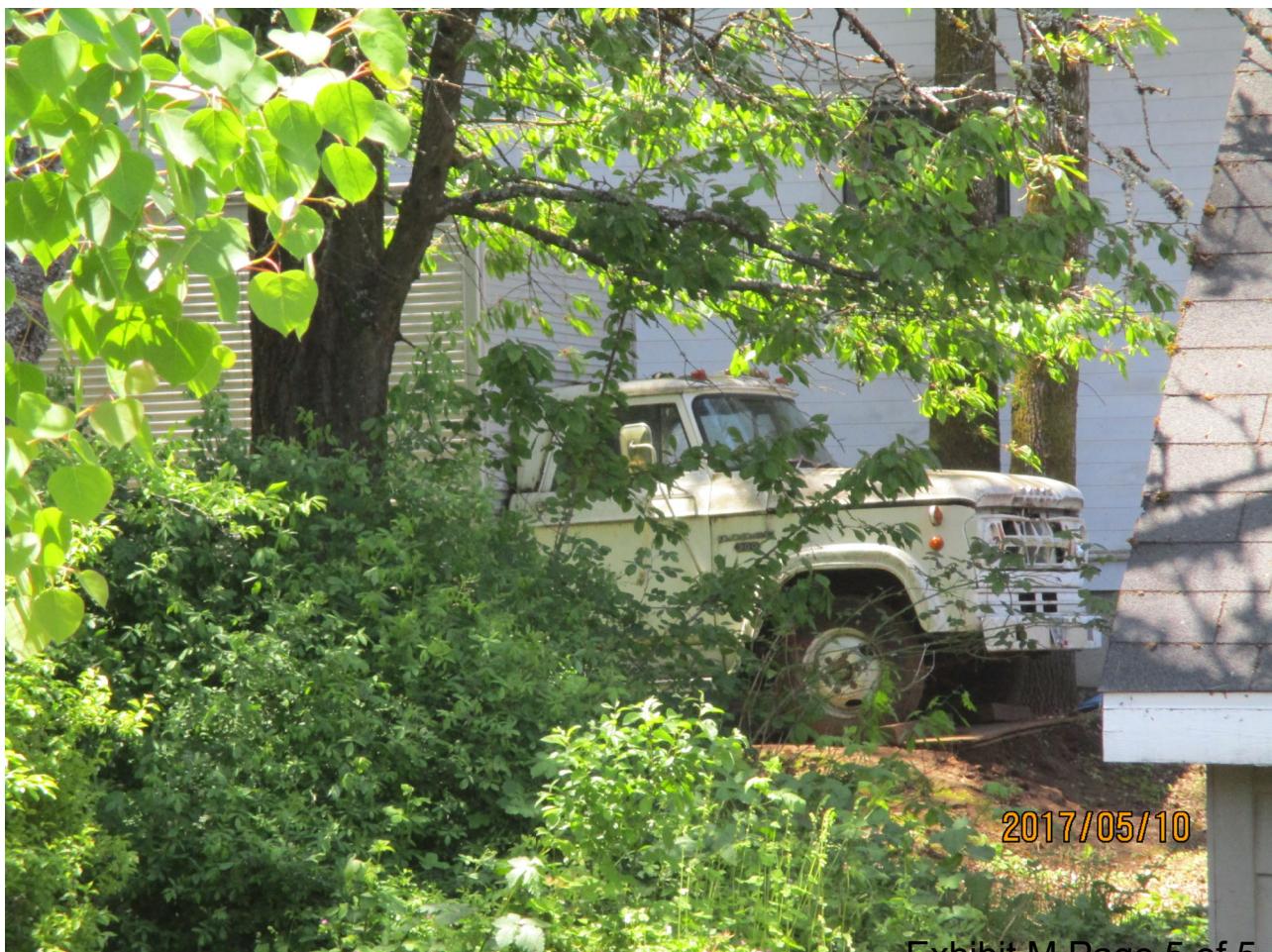














Citation No. 1530-2

Case No. V0003015

# ADMINISTRATIVE CITATION

Date Issued: June 26, 2017

**Name and Address of Person(s) Cited:**

Name: John D. Bird  
Mailing Address: PO Box 56744  
City, State, Zip: Portland, OR 97238

Date Violation(s) Confirmed: On the 4<sup>th</sup> day of February, 2015 and continues to exist on the 10<sup>th</sup> day of May 2017, 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): 3723 SE Pinehurst Ave., Milwaukie, OR 97267

Legal Description: T2S, R1E Section 01DD, Tax Lot(s) 01300

**Law(s) Violated:**

☒ Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030

**Description of the violation(s):**

1) Miscellaneous debris and inoperable or non-licensed vehicles

Maximum Civil Penalty \$3,500.00      Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$100.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: June 26, 2017

## **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.

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

- a. Your name and address
- b. A copy of the citation
- 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: \_\_\_\_\_

7856 7906  
0001 0002 1520 2015

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage \$	
Total Postage and Fees \$	
S/ John D. Bird PO Box 56744 Portland, OR 97238	

PS Form 3800, April 2015 PSN 7530-02-000-9047      See Reverse for Instructions

Cite# 1530-2      V0003015  
priority 2      SW

## Benthin, Kim

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Thursday, July 6, 2017 2:58 AM  
**To:** Benthin, Kim  
**Subject:** More Yard pictures  
**Attachments:** Yard 4.jpg; Yard 5.jpg

Hi Kim,

My apologies for not contacting you sooner. Wanted to send you an update on what is going on. I am in the process of filling the red truck with as many parts out of the yard as I can manage to fit inside. The truck and the parts that are going in it are part of the lot that I sold to my friend in Medford. I am working on it to be out of the yard on Saturday the 15th. The axles in the yellow truck are part of the sale as well. I am working on getting them to the towing company in Oregon City either this week or early next week according to the amount of space that they have. As soon as the yellow truck is empty, it's scheduled to run a load of scrap metal to Davis recycling. I will email you a copy of the receipt. I am hoping to get this all buttoned up real soon. Although there is still a bit left to do, I am happy with the progress that I have made and also how the yard is starting to look, but I am ready for this to be done so I can move ahead with other projects that have bee on hold while I have been working on getting things in shape. Looking forward to sending you another update real soon.

Hope you're staying cool in this heat!

---

[Spam](#)

[Not spam](#)

[Forget previous vote](#)



**Benthin, Kim**

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Thursday, July 13, 2017 6:50 PM  
**To:** Benthin, Kim  
**Subject:** Monday's Yard pictures  
**Attachments:** 20170710\_150551262\_resized.jpeg; 20170708\_075421\_resized.jpg

Hi Kim,  
Here are the pictures from Monday. I will send you some updated pictures next week.  
John

---

---

[Spam](#)  
[Not spam](#)  
[Forget previous vote](#)



**Benthin, Kim**

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Sunday, July 16, 2017 9:53 PM  
**To:** Benthin, Kim  
**Subject:** Red Cab  
**Attachments:** 20170708\_075421\_resized\_1.jpg

---

Hi Kim,  
Forgot to send this with the other two yard pictures I sent to you.  
John Bird

---

[Spam](#)  
[Not spam](#)  
[Forget previous vote](#)



**Benthin, Kim**

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Monday, July 24, 2017 2:04 AM  
**To:** Benthin, Kim  
**Subject:** More Gone  
**Attachments:** 20170712\_205036\_resized.jpg

---

Hi Kim,  
Just wanted to send you another pic of some more that has left from the yard.  
Should have another update later this week.  
Every little bit helps!  
John

---

[Spam](#)  
[Not spam](#)  
[Forget previous vote](#)



**Benthin, Kim**

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Sunday, July 30, 2017 4:44 PM  
**To:** Benthin, Kim  
**Subject:** More iron gone  
**Attachments:** 20170728\_142001\_resized.jpg

---

Hi Kim,  
Took another truckload of iron down Friday to be sent to Medford.  
Getting closer. Should have another update for you later this week.  
John

Sent from my T-Mobile 4G LTE Device

---

[Spam](#)  
[Not spam](#)  
[Forget previous vote](#)



**Benthin, Kim**

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Tuesday, August 15, 2017 11:46 PM  
**To:** Benthin, Kim  
**Subject:** Bus  
**Attachments:** 20170812\_112147\_resized.jpg

---

Hi Kim,  
Removed another vehicle from the yard. Getting closer! Hope to have this wrapped up soon.  
John

---

[Spam](#)  
[Not spam](#)  
[Forget previous vote](#)



## Benthin, Kim

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Friday, September 1, 2017 5:46 PM  
**To:** Benthin, Kim  
**Subject:** More gone  
**Attachments:** img-170831213243-0001.pdf

Hi Kim,  
Another load gone.  
I am really liking having less stuff!  
John

--  
BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 04U4oJKfG) is spam:

Spam: <https://mhub.clackamas.us/canit/b.php?c=s&i=04U4oJKfG&m=11b16c5dda44&rlm=base&t=20170901>

Not spam: <https://mhub.clackamas.us/canit/b.php?c=n&i=04U4oJKfG&m=11b16c5dda44&rlm=base&t=20170901>

Forget vote: <https://mhub.clackamas.us/canit/b.php?c=f&i=04U4oJKfG&m=11b16c5dda44&rlm=base&t=20170901>

END-ANTISPAM-VOTING-LINKS

STAFF - RETAIN WHITE LEAVE YELLOW WITH DONOR	
DATE	MON TUE WED THU FRI SAT SUN
NAME	John Bird
ADDRESS	Oak Grove OR
CITY	
ZIP	97267
QTY	DESCRIPTION
1	Ball Nasty tool Box
1	Bump up Shelf
25	Concrete
6	3x6 peg board
1	3 Shelves
1	4x6 peg board
3	Shelves
1	Tool Stands

**THE REBUILDING CENTER**  
of Our United Villages, a Non-profit Organization  
503-331-1877 • [www.rebuildingcenter.org](http://www.rebuildingcenter.org)

Your contribution will help build a sustainable  
environment and a healthy community

*Thank You*

Our United Villages is a 501(c)(3) non-profit organization. Tax ID # 93-1241474. Your donation is tax deductible to the fullest extent of the law. Please retain this receipt for your tax records. No goods or services were provided in exchange for this donation. Federal law states that goods must be in "good used condition or better" in order to qualify for tax deductions. IRS regulations prohibit non-profit organizations from establishing or affirming the value of contributions.

## **Benthin, Kim**

---

**From:** Bird, John <John.Bird@united.com>  
**Sent:** Wednesday, October 4, 2017 12:05 AM  
**To:** Benthin, Kim  
**Subject:** Update  
**Attachments:** 20171002\_000307\_resized.jpg

---

Hi Kim,

Just finished up painting my fence panels at work-something that was supposed to have beeen done about 3 weeks ago. I had told you that I was shooting for the end of September as the target to have the yard wrapped up. Unfortunately, my plans didn't include a forest fire in the Gorge, which set me back a little bit. So I am planning on getting the fence up and the yard organized by the end of this month.

I'll keep you posted.

John

---

[Spam](#)

[Not spam](#)

[Forget previous vote](#)

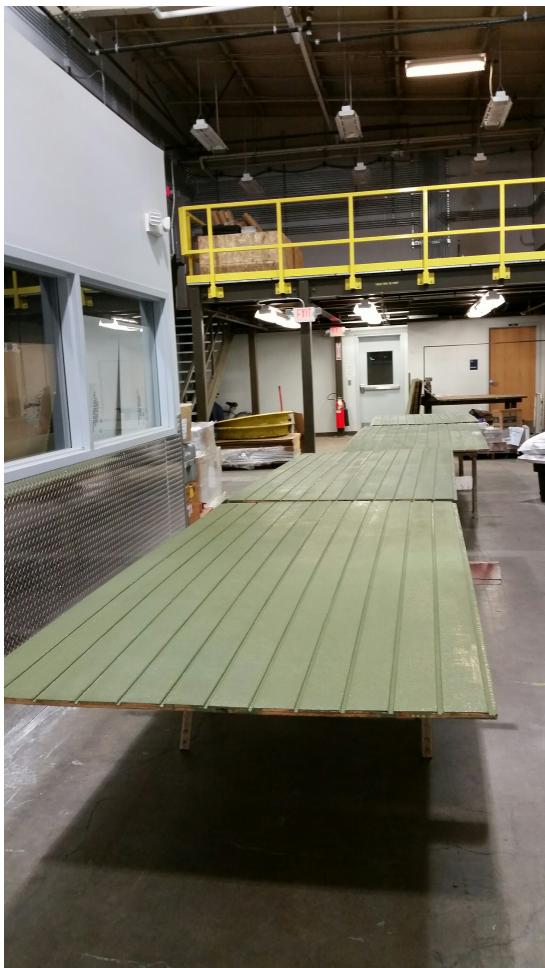




Exhibit P 1 of 2



Exhibit P 2 of 2



Site Inspection July 25 2018

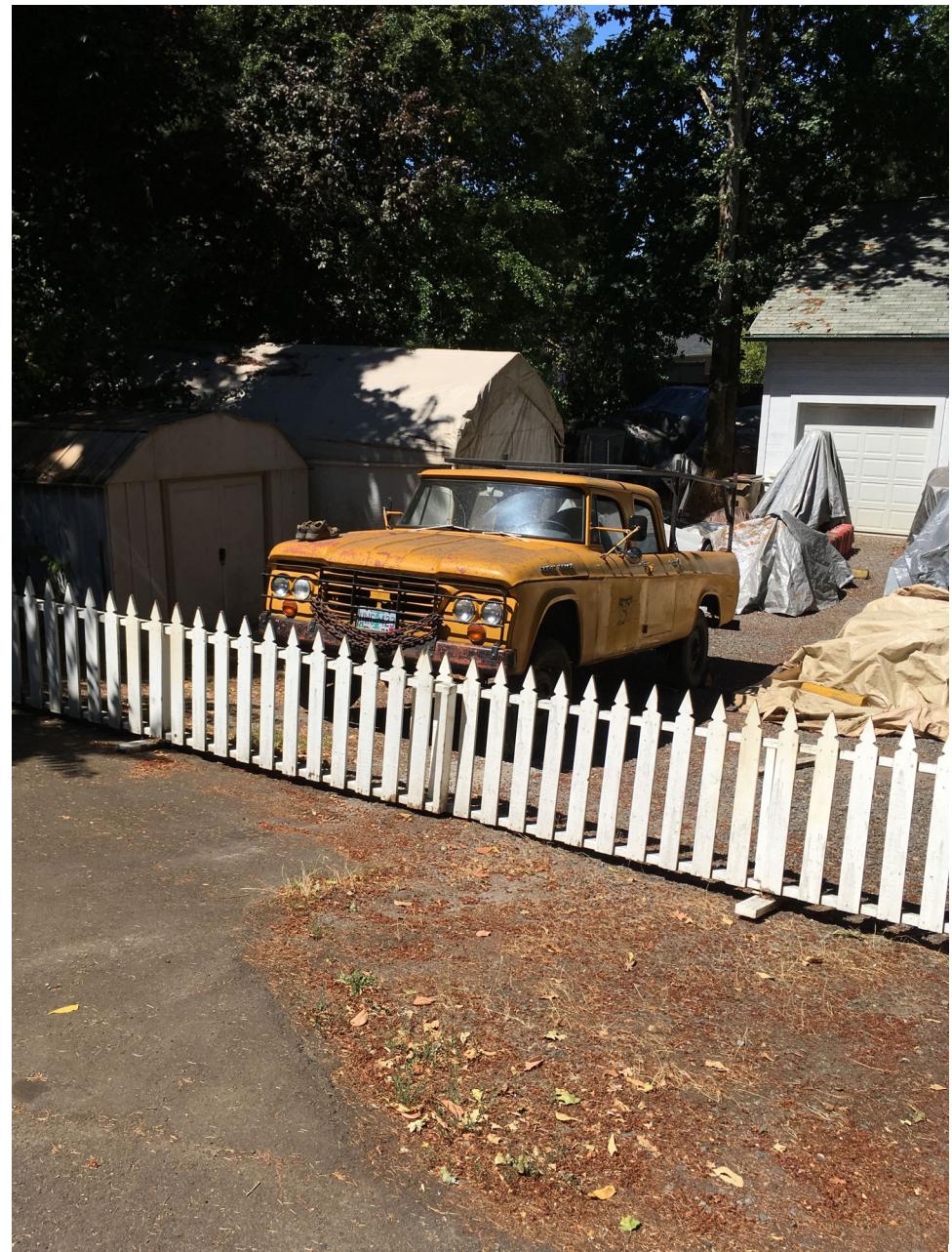


Exhibit Q Page 1 of 8



Site Inspection July 25 2018



Exhibit Q Page 2 of 8



Site Inspection October 31, 2018



Exhibit Q Page 3 of 8



Site Inspection October 31, 2018



Exhibit Q Page 4 of 8













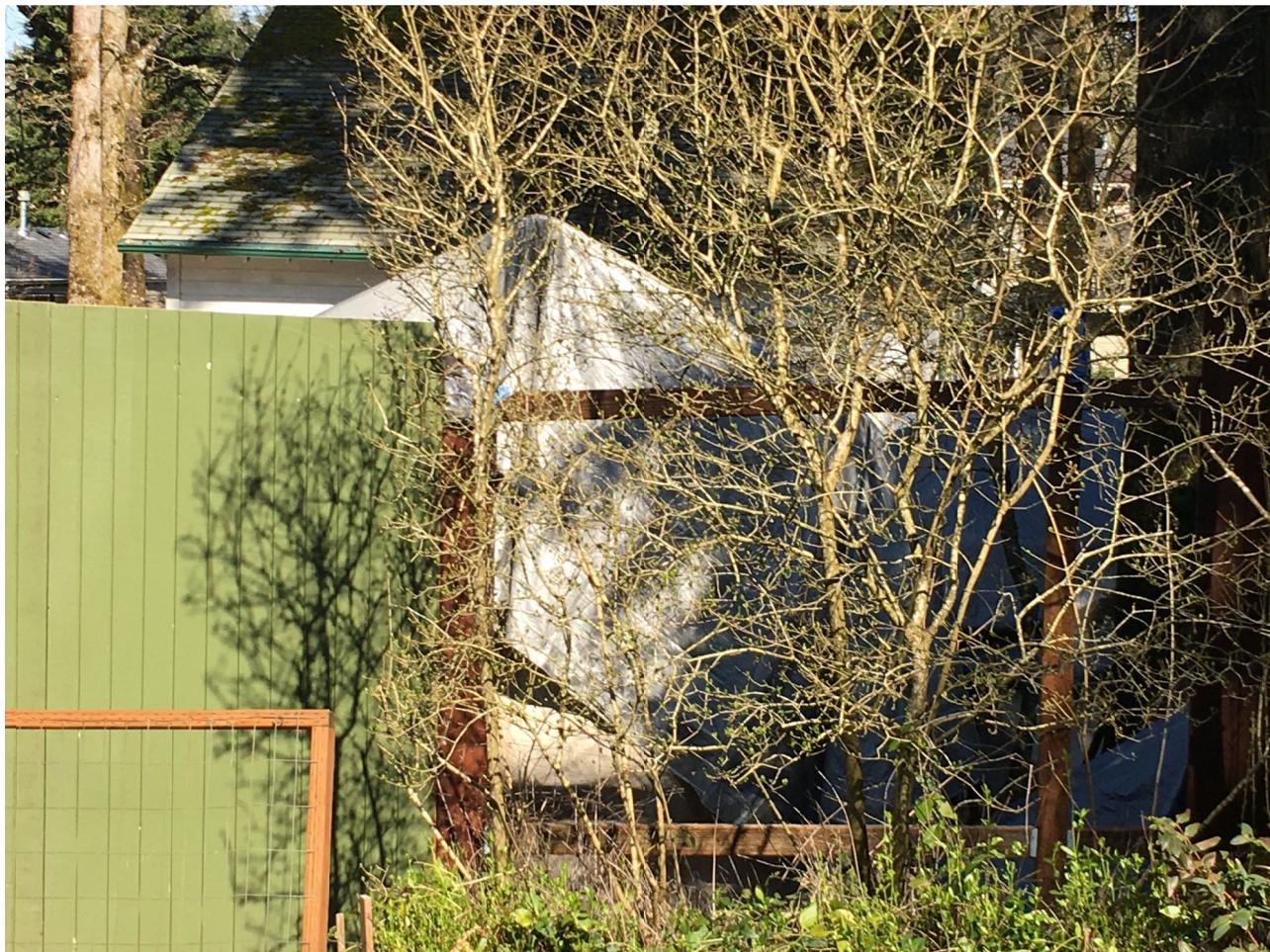




Exhibit R Page 4 of 7































**TOTAL**  
**4510#**  
PNW METAL R  
DBA: R.S. DAV  
10105 SE MATHE  
CLACKAMAS, OR  
503-655-5433

**SCALE RECEIVER**

**\*\*\*\*\* RECEIVING HOURS \*\*\*\*\***

**MON-FRI 8:00AM TO 4:15 PM**  
**SATURDAY 8:00AM TO 1:15 PM**

**Account:** JOHN DEREK BIRD  
3723 SE PINEHURST AVE

MILWAUKIE

OR 97267

x \_\_\_\_\_  
Initials

**Recv Date:** 01/07/2026

**Receiver #:** 1840758

**Control #:** 1840758

**TIME IN:** 15:33

**TIME OUT:** 15:46

**Contract:**

**Plate:** OF9994

**Yard** CLA

Commodity	Description	Gross	Tare	Deduct	Net	Price	UM	Amount
AL-SHEET	ALUMINUM SHEET CLEAN	690	511	0	179	0.50	/ LB	89.50
		IN: 01/07/2026 3:41:35 PM			OUT: 01/07/2026 3:41:37 PM			
AL-EX	ALUMINUM EXTRUDED PTD	11	0	0	11	0.65	/ LB	7.15
		IN: 01/07/2026 3:42:30 PM			OUT:			
AL-DIRTY	CONTAMINATED SHEET ALUMINUM	6	4	0	2	0.15	/ LB	0.30
		IN: 01/07/2026 3:42:59 PM			OUT: 01/07/2026 3:43:00 PM			
SS-304	304 STAINLESS STEEL	15	4	0	11	0.25	/ LB	2.75
		IN: 01/07/2026 3:43:27 PM			OUT: 01/07/2026 3:43:28 PM			
SS-DIRTY	STAINLESS DIRTY	11	0	0	11	0.10	/ LB	1.10
		IN: 01/07/2026 3:43:56 PM			OUT:			
TIN	TIN	4	0	0	4	140.00	/ NT	0.28
		IN: 01/07/2026 3:44:20 PM			OUT:			
						<b>Totals</b>	<b>218</b>	<b>101.08</b>

**PAYMENT**

Scale Check

WFC

837659

**REFERENCE/JOB #:**

**DECLARATION OF SELLER**

**I AFFIRM BY MY SIGNATURE THAT UNDER PENALTY OF LAW THAT THE INFORMATION I PROVIDED AND REFLECTED ON THIS FORM IS TRUE AND ACCURATE.**

And I, the undersigned, hereby declare that the property that is subject to this transaction is not, to the best of my knowledge, stolen property. I understand that this statement is made under penalty of perjury and may be used as evidence in court. I also certify that all refrigerant (including but not limited to chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs), as defined in 40 CFR Part 82, Subpart F, pursuant to the Clean Air Act Amendments,) that has not leaked previously has been properly recovered prior to delivery. Seller further agrees to hold PNW Metal Recycling harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this

Employee's signature: KELLIE B.

Date: 01/07/2026 kb

Accepted by: \_\_\_\_\_

**PNW METAL RECYCLING, INC.  
DBA: R.S. DAVIS RECYCLING  
10105 SE MATHER RD  
CLACKAMAS, OR 97015  
503-655-5433**

## SCALE RECEIVER

\*\*\*\*\* RECEIVING HOURS\*\*\*\*\*

**MON-FRI 8:00AM TO 4:15 PM**

**SATURDAY 8:00AM TO 1:15 PM**

**Account:** JOHN DEREK BIRD  
3723 SE PINEHURST AVE

X \_\_\_\_\_  
Initials

Recv Date: 01/07/2026

Receiver #: 1840582

Control #: 1840582

TIME IN: 11:28

TIME OUT: 11:40

### Contract:

Yard CLA

OR 97267

Plate: OF9994

Commodity	Description	Gross	Tare	Deduct	Net	Price	UM	Amount
SS-304	304 STAINLESS STEEL	1,137	719	0	418	0.25	/ LB	104.50
SS-DIRTY	STAINLESS DIRTY	IN: 01/07/2026 11:37:10 AM			OUT: 01/07/2026 11:37:07 AM			
		10	0	0	10	0.10	/ LB	1.00
		IN: 01/07/2026 11:37:35 AM			OUT:			
						Totals	428	105.50

## PAYMENT

Scale Check WFC 837644

**REFERENCE/JOB #:**

## DECLARATION OF SELLER

I AFFIRM BY MY SIGNATURE THAT UNDER PENALTY OF LAW THAT THE INFORMATION I PROVIDED AND REFLECTED ON THIS FORM IS TRUE AND ACCURATE.

And I, the undersigned, hereby declare that the property that is subject to this transaction is not, to the best of my knowledge, stolen property. I understand that this statement is made under penalty of perjury and may be used as evidence in court. I also certify that all refrigerant (including but not limited to chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs), as defined in 40 CFR Part 82, Subpart F, pursuant to the Clean Air Act Amendments,) that has not leaked previously has been properly recovered prior to delivery. Seller further agrees to hold PNW Metal Recycling harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this

Employee's signature: KELLIE B.  
Date: 01/07/2026 KB

Accepted by:

**Date:** 01/07/2026

KB

EXHIBIT 1 PAGE 2 OF 41



**PNW METAL RECYCLING, INC.**  
**DBA: R.S. DAVIS RECYCLING**  
10105 SE MATHER RD  
CLACKAMAS, OR 97015  
503-655-5433

**SCALE RECEIVER**

**\*\*\*\* RECEIVING HOURS \*\*\*\***

**MON-FRI 8:00AM TO 4:15 PM**

**SATURDAY 8:00AM TO 1:15 PM**

**Account:** JOHN DEREK BIRD  
3723 SE PINEHURST AVE

MILWAUKIE

OR 97267

x \_\_\_\_\_  
Initials

**Recv Date:** 12/30/2025

**Receiver #:** 1838729

**Control #:** 1838729

**TIME IN:** 14:11

**TIME OUT:** 14:29

**Contract:**

**Yard CLA**

Commodity	Description	Gross	Tare	Deduct	Net	Price	UM	Amount
BRASS-YE	YELLOW BRASS CLEAN	540	433	0	107	2.20	/ LB	235.40
CU-INS XMA	CHRISTMAS LIGHTS	IN: 12/30/2025 2:21:14 PM	OUT: 12/30/2025 2:21:18 PM	8 4 0	4	0.30	/ LB	1.20
CU-COP 2	#2 COPPER	IN: 12/30/2025 2:21:46 PM	OUT: 12/30/2025 2:21:47 PM	488 433 0	55	3.40	/ LB	187.00
CU-INS 50%	#2 INSULATED COPPER WIRE 50%	IN: 12/30/2025 2:22:37 PM	OUT: 12/30/2025 2:22:33 PM	535 396 0	139	1.30	/ LB	180.70
AL-CAST	ALUMINUM CAST CLEAN	IN: 12/30/2025 2:23:31 PM	OUT: 12/30/2025 2:23:28 PM	484 396 0	88	0.50	/ LB	44.00
FRIG	REFRIGERATOR CHARGE	IN: 12/30/2025 2:24:53 PM	OUT: 12/30/2025 2:24:57 PM	1 0 0	1	-30.00	/ EA	-30.00
TIN	TIN	IN: 12/30/2025 2:28:59 PM	OUT: 12/30/2025 2:26:28 PM	70 0 0	70	110.00	/ NT	3.85
					<b>Totals</b>	464		622.15

**PAYMENT**

Scale Check

WFC

837421

**REFERENCE/JOB #:**

**DECLARATION OF SELLER**

**I AFFIRM BY MY SIGNATURE THAT UNDER PENALTY OF LAW THAT THE INFORMATION I PROVIDED AND REFLECTED ON THIS FORM IS TRUE AND ACCURATE.**

And I, the undersigned, hereby declare that the property that is subject to this transaction is not, to the best of my knowledge, stolen property. I understand that this statement is made under penalty of perjury and may be used as evidence in court. I also certify that all refrigerant (including but not limited to chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs), as defined in 40 CFR Part 82, Subpart F, pursuant to the Clean Air Act Amendments,) that has not leaked previously has been properly recovered prior to delivery. Seller further agrees to hold PNW Metal Recycling harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this

Employee's signature: KELLIE B.

Date: 12/30/2025

CS

Accepted by: \_\_\_\_\_

**EXHIBIT 1 PAGE 4 OF 41**

**PNW METAL RECYCLING, INC.****DBA: R.S. DAVIS RECYCLING**

10105 SE MATHER RD

CLACKAMAS, OR 97015

503-655-5433

**SCALE RECEIVER****\*\*\*\* RECEIVING HOURS\*\*\*\*****MON-FRI 8:00AM TO 4:15 PM****SATURDAY 8:00AM TO 1:15 PM**Account: JOHN DEREK BIRD  
3723 SE PINEHURST AVE

MILWAUKIE

OR 97267

x \_\_\_\_\_  
Initials

Recv Date: 01/06/2026

Receiver #: 1840250

Control #: 1840250

TIME IN: 11:52

TIME OUT: 12:15

Contract:

Yard CLA

Plate: OF9994

Commodity	Description	Gross	Tare	Deduct	Net	Price	UM	Amount
TIN	TIN	10,880	8,380	0	2,500	110.00	/ NT	137.50
ROUNDING	ROUNDING ACCOUNT	IN: 01/06/2026 11:54:38 AM			OUT: 01/06/2026 12:15:33 PM			0.50
		IN:			OUT:			
					Totals 2,500			138.00

PAYMENT

Cash CPC

REFERENCE/JOB #:**DECLARATION OF SELLER**I AFFIRM BY MY SIGNATURE THAT UNDER PENALTY OF LAW THAT THE INFORMATION I PROVIDED AND REFLECTED ON THIS FORM IS TRUE AND ACCURATE.

And I, the undersigned, hereby declare that the property that is subject to this transaction is not, to the best of my knowledge, stolen property. I understand that this statement is made under penalty of perjury and may be used as evidence in court. I also certify that all refrigerant (including but not limited to chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs), as defined in 40 CFR Part 82, Subpart F, pursuant to the Clean Air Act Amendments,) that has not leaked previously has been properly recovered prior to delivery. Seller further agrees to hold PNW Metal Recycling harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this

Employee's signature: KELLIE B.Date: 01/06/2026

Accepted by: \_\_\_\_\_

CS

## ID Card Register

12/22/2025 1:09:00 PM

Name Contains "JOHN D" and "BIRD"

From Recv Date: 01/01/2015 Thru Recv Date: 12/22/2025

For Status: All

Account / Altcode	Name/Address/C/S/Z	D.O.B.							
Receiver #	Recv Date	Time In/Out	Payby	Vehicle ID	Yard	Commodity	Description	Net	Amount
AMERIT FLE	JOHN DEREK BIRD 3723 SE PINEHURST AVE MILWAUKIE OR 97267	10-21-62							
AMERIT FLE									
PEDDLER	JOHN DEREK BIRD 3723 SE PINEHURST AVE MILWAUKIE OR 97267	10/21/1962							
PEDDLER									
869209	10/24/17 10:05 10:29 SCK				CLA	CARS	Car Bodies	5,620	281.00
							Count: 1	5,620	281.00
833224	07/07/17 15:33 15:50 CSH								
833357	07/08/17 10:02 10:10 SCK								
848102	08/21/17 14:29 14:53 CSH								
869225	10/24/17 10:30 10:59 SCK								
896632	01/23/18 10:36 11:03 SCK								
896637	01/23/18 10:42 11:03 CSH								
984670	09/10/18 15:00 15:36 SCK								
984695	09/10/18 15:17 15:36 CSH								
1281107	03/19/21 14:33 14:40 SCK								
1355236	10/08/21 15:27 15:53 CSH								
1455894	07/22/22 12:46 13:10 CSH								
1610058	11/07/23 14:34 14:49 SCK								
1610063	11/07/23 14:39 14:48 CSH								
1741366	01/31/25 15:01 15:41 SCK								
1741371	01/31/25 15:07 15:28 CSH								
							Count: 25	8,609	705.52

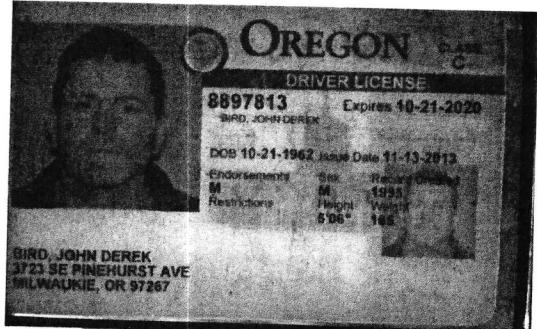




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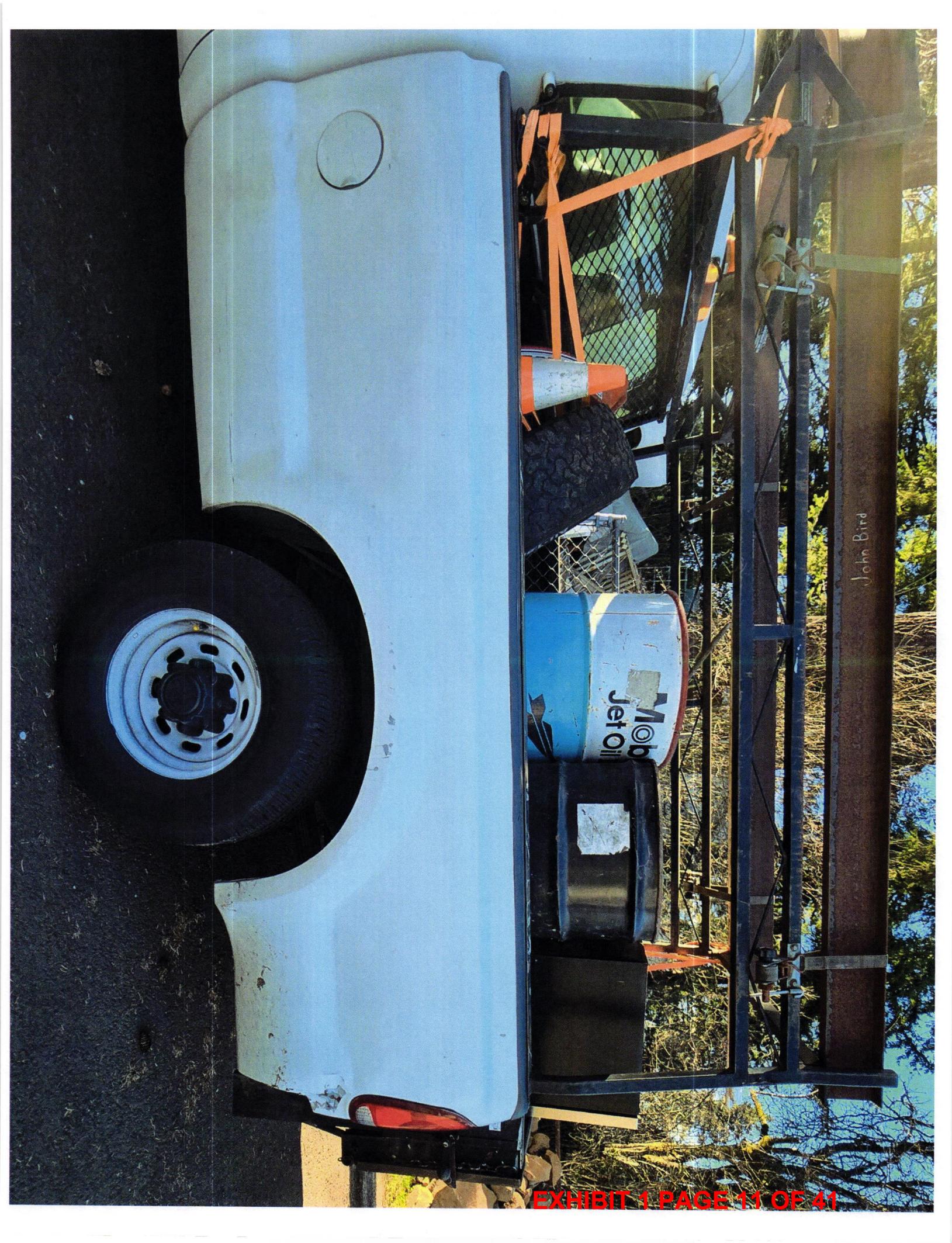


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**Lovely Tire & Wheel Company**

1430 S.E. 82nd Avenue  
Portland, Oregon 97216  
(503) 255-2721

LOVELY TIRE AND WHEEL  
1430 SE 82ND AVE  
PORTLAND OR 97216  
503-255-2721

SOLD TO  
Scrap Tires & wheels  
PHONE #

DATE	12/29	12/29/2025	12/29/2025
MILEAGE			DEBIT CARD
VEHICLE TYPE	Q/C		DEBIT SALE
Card #	XXXXXXXXXXXX095		
Debit Card Type:	015		
Network:	INTERLINK		
Chip Card:	US DEBIT		
AID:	A00000000980940		
SEQ #:	4		
Batch #:			
Trans #:	998		
Approval Code:	001341		
Entry Method:	Contactless		
Mode:	Issuer - PIN Verified		

SALE AMOUNT  
\$92.00

THANK YOU  
CUSTOMER COPY

PLEASE ROTATE TIRES EVERY 5,000 MILES.  
PLEASE TORQUE LUGNUTS AFTER 50 MILES OF DRIVING.



**EXHIBIT 1 PAGE 13 OF 41**

*Lovely Tire & Wheel Company*

**White Fleet Co.**  
1430 S.E. 82nd Avenue  
Portland, Oregon 97216  
(503) 255-2721

## Tires & Wheels

PLEASE ROTATE TIRES EVERY 5,000 MILES.  
PLEASE TORQUE LUGNUTS AFTER 50 MILES OF DRIVING.

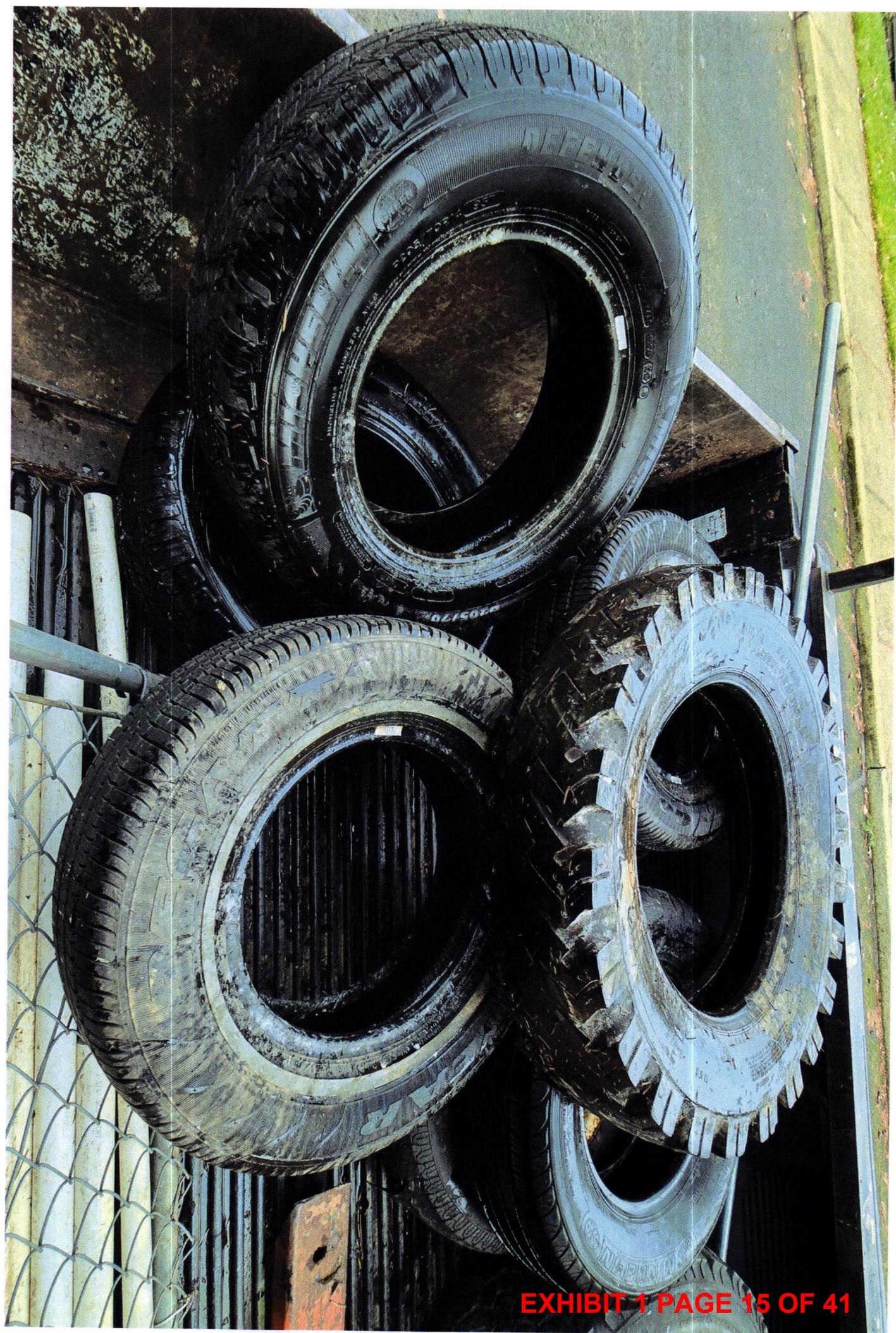


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**EXHIBIT 1 PAGE 19 OF 41**

Unit 20 - P.O. Box 4500  
P.O. Box 4500  
Portland OR  
97208  
Phone: (503) 797-1620  
Email:  
accounts.receivable@oregonmetro.gov

Load: 340277  
Reference #: DBKKCDJC  
Employee #: 13550  
Invoice Number: 234540  
Customer: OF9994  
Site: South  
Date In: 2026/01/19 06:29 PM  
Date Out: 2026/01/19 06:39 PM

Card Number: OF9994  
Contract Name: Public Customer  
Unit Type: Standard Pickup

Weight In: 8,400lb / 4.20tn  
Weight Out: 7,960lb / 3.98tn  
Net Weight: 440lb/0.22tn  
Product: Municipal Solid Waste

Product Location: Bay 2

Cost: \$162.14/tn(\$19.00 minimum)  
Load Cost: \$35.67  
Transaction Fee: \$28.00  
Subtotal: \$63.67  
Total: \$63.67

Payment Type: Visa  
Payment Charge: \$63.67  
Payment Date: 2026/01/19  
Payment Time: 06:39 PM

\*\*\*\*\* PURCHASE \*\*\*\*\*  
APPROVED

Total: \$63.67

Card Type: VISA  
Card Entry: Contactless  
Acct #: \*\*\*\*\*5975  
Approval Code: 07506G  
Trans Id: 120023916

\*\*\*\*\* EMV PURCHASE \*\*\*\*\*  
App Label: VISA CREDIT  
Mode: Issuer  
AID: A0000000031010  
TVR: 0000000000  
IAD: 06021203A00000



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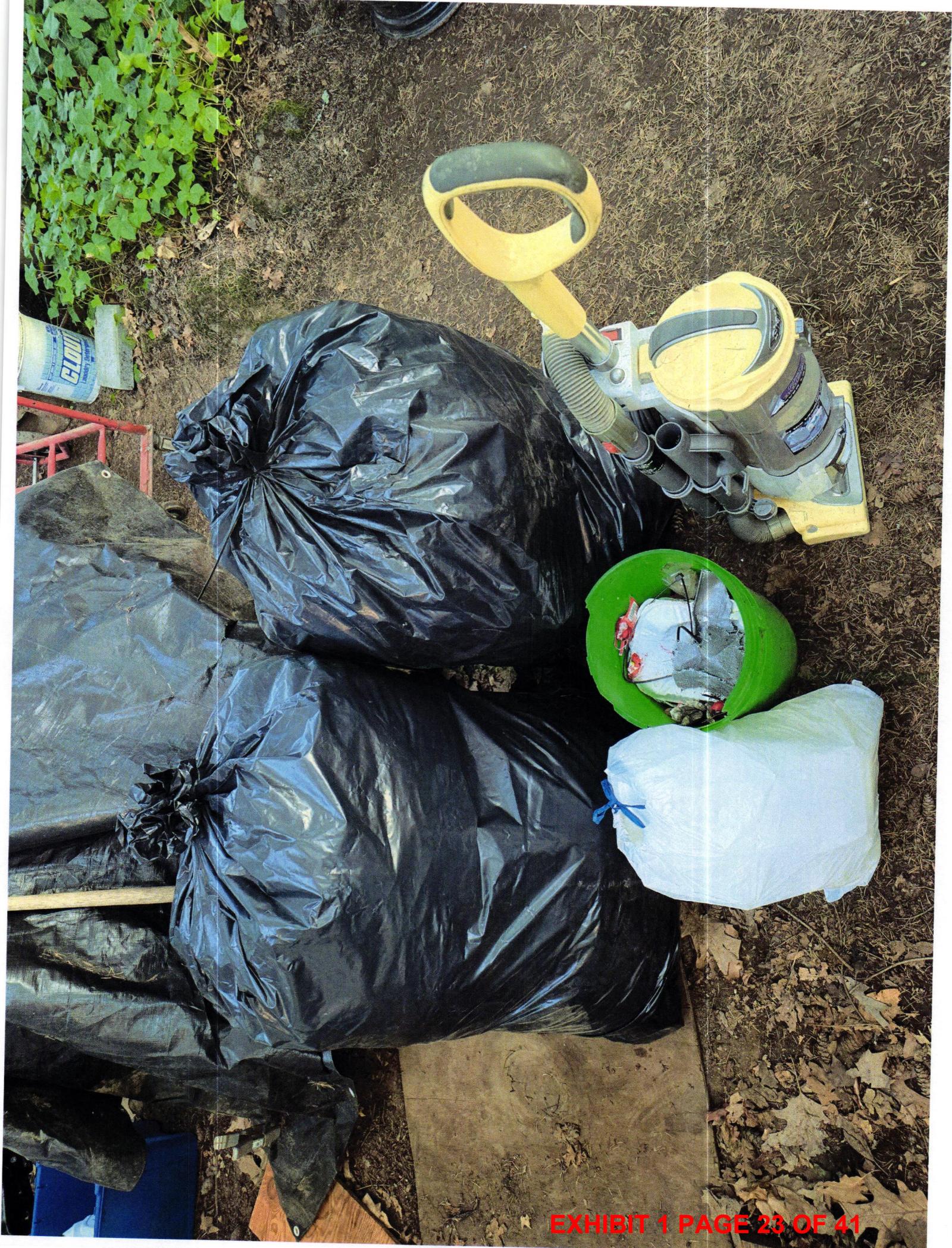


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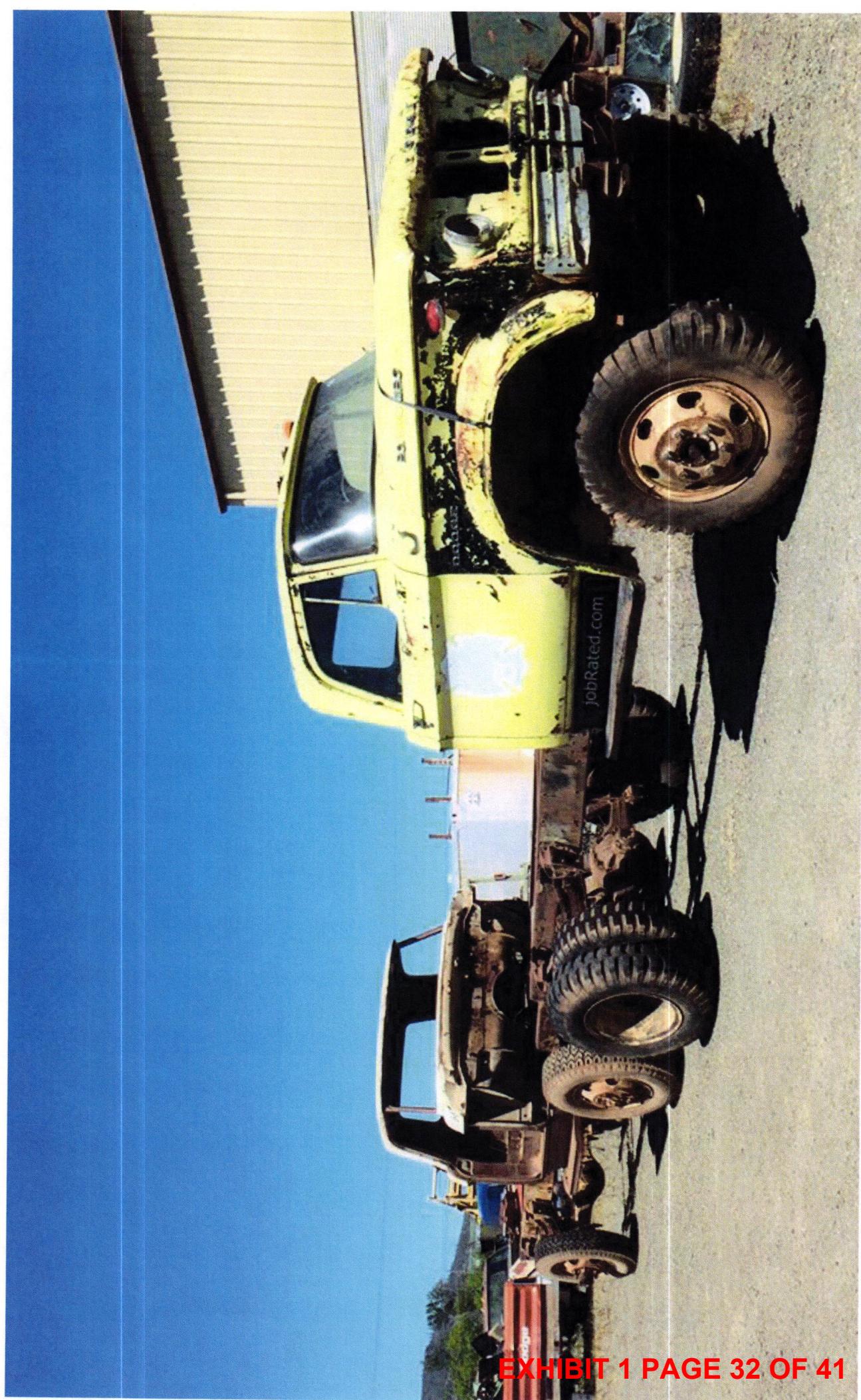


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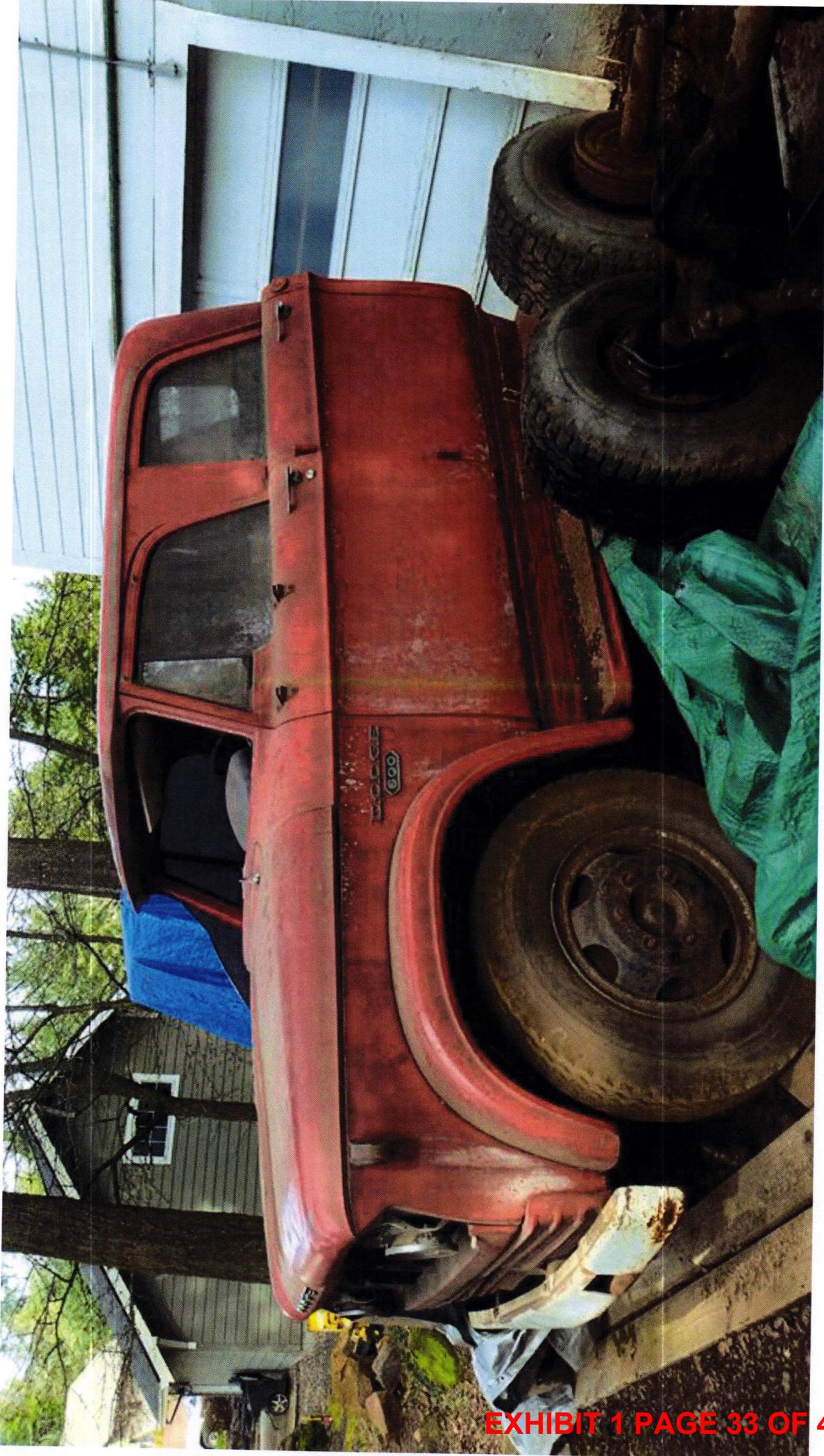


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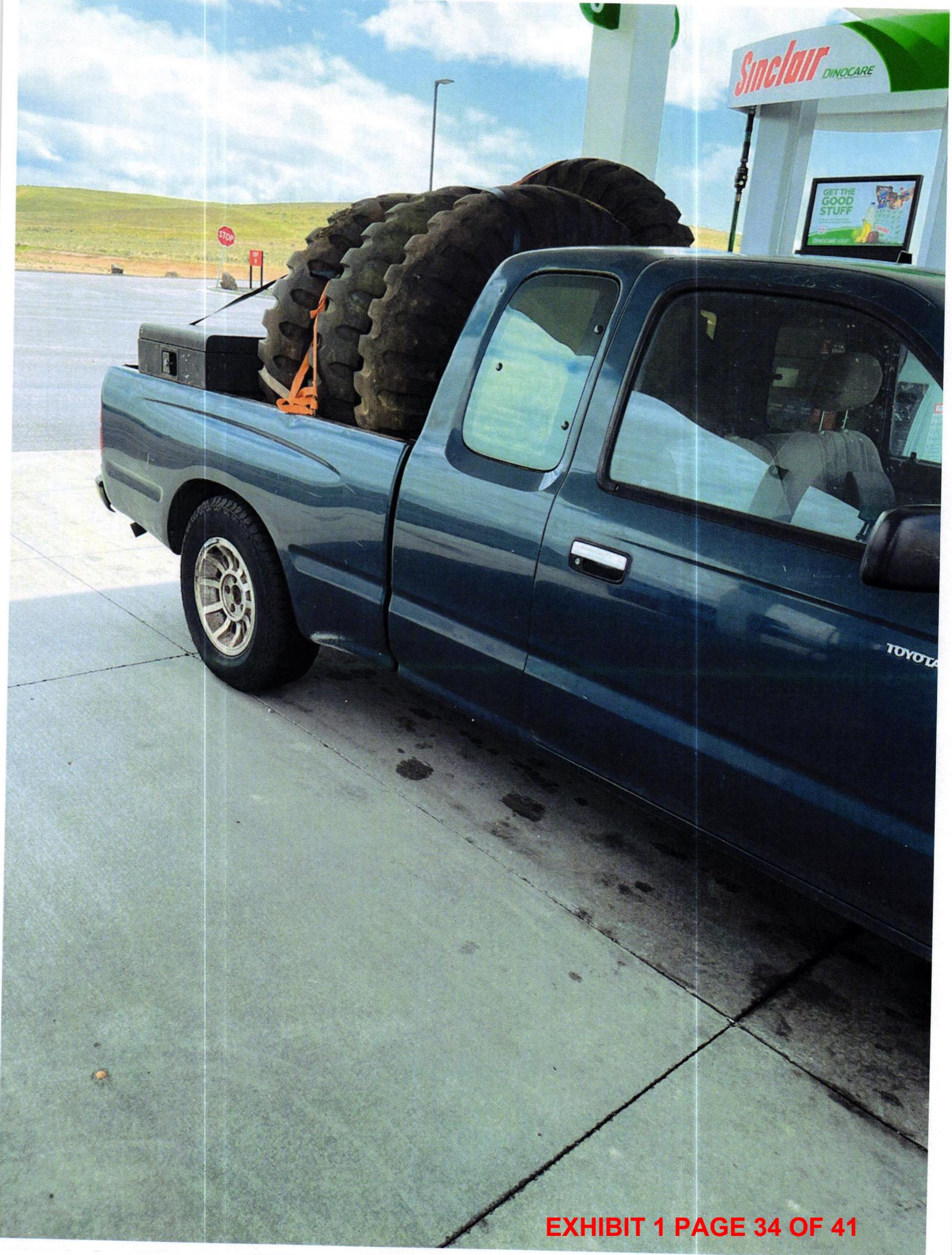


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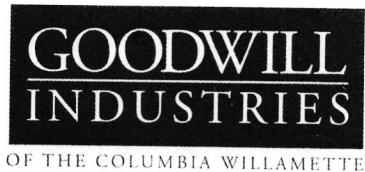


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Goodwill Industries of the Columbia Willamette (GICW) acknowledges that a non-cash donation was received from:



Name: JOHN BIRD

Received by: Octavio

Date: 10 JAN 2026

### THIS IS YOUR TAX RECEIPT

Goodwill Industries of the Columbia Willamette is a 501 (c) (3) non-profit organization. Your donation is tax-deductible to the fullest extent of the law. No goods or services were provided in exchange for this donation. Federal law provides that clothing and household goods must be in "good used condition or better" in order to qualify for tax deductions.

For your records, use the space below to itemize your donation.

MISC TOOLS

\_\_\_\_\_

MISC LAWN & GARDEN

\_\_\_\_\_

FURNITURE

\_\_\_\_\_

TOOLS

\_\_\_\_\_

MISC HOUSEHOLD ITEMS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### GOODWILL REGRETS THAT WE ARE UNABLE TO ACCEPT CERTAIN DONATIONS

- Air conditioners  Automobile or truck parts, oil, tires, gasoline, fluid, etc.  Bathroom fixtures (sinks, tubs, toilets, etc.)  Building materials (concrete, bricks, stones, scrap iron, etc.)
- Firearms and ammunition (we do accept antiques with Manager approval)  Food and beverage  Furniture with stains, damaged, wet, torn, disassembled or in need of reupholstering  Gas powered tools, including lawn mowers  Hide-a-Beds  Household chemicals - All aerosols - Anti-Freeze, coolant, and fuel additives - Bleach and other household cleaners, liquids and solids (powders) - Flammables, liquids and solids [Including charcoal briquettes, sterno, propane tanks, etc. - Mercury-containing devices (thermometers) - Paint - Pesticides, fertilizer, rat poison - liquids and solids  Household/yard debris  Infant or child car seats, strollers and cribs  Large appliances (refrigerators, stoves, washers, dryer, water heaters, etc.)  Large fitness equipment  Light bulbs (including fluorescent bulbs)  Mattresses or box springs  Medications  Playground swing sets  Smoke detectors  Wall to wall carpeting & padding  Wet or soiled clothing, linen & books

IRS regulations prohibit charitable organizations from establishing or affirming the value of contributions. (GICW Federal Tax Identification Number: 93-0386840)

[meetgoodwill.org](http://meetgoodwill.org) • [goodwillbooks.com](http://goodwillbooks.com)

DONATE Bicycles

LOAD UP REBUILDING CENTER Donations / donate

FINISH DISMANTLING COSTCO TENT STRUCTURE

SEND TARPS

REARRANGE Front YARD

REARRANGE Back YARD / Fence Screen

REARRANGE DRIVE

CANTRE PARTS ON DRIVE