

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

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

Чтобы запросить перевод или приспособления, связанные с инвалидностью, пожалуйста, свяжитесь с нами по:
DTDcompliance@clackamas.us | 503-742-4400.

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:
DTDcompliance@clackamas.us | 503-742-4400.

如需翻译服务或残障相关的协助，请与我们联系：
DTDcompliance@clackamas.us | 503-742-4400。

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



Clackamas County
www.clackamas.us



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF HEARING

June 8, 2026

Alberto Garcia
6500 SE Hazel St.
Portland, OR 97206

RE: County of Clackamas v. Alberto Garcia
File: V0040215

Hearing Date: July 9, 2026

Time: This item will not begin before 11:00 AM however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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

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

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

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

**Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007**

5. Right to Recess. If, during the course of the hearing, the Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceedings be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.

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



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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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 brizza_guerrero@yahoo.com. A copy of the link is provided below. Once you have joined the meeting, you will be prompted to join as panelist. Please click **JOIN AS PANELIST**.

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

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

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

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

Zoom Invite:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/82262848828?pwd=krZpL3EL9APmnQNUBodajrGlbjEEaS.1>

Passcode: 484623

Phone one-tap:

+12532158782,,82262848828# US (Tacoma)+13462487799,,82262848828# US (Houston)

Join via audio:

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

Webinar ID: 822 6284 8828

International numbers available: <https://clackamascounty.zoom.us/j/ku3Q38YhN>

Department of Transportation and Development

Nondiscrimination Policy:

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

환영합니다. Korean

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

BEFORE THE COMPLIANCE HEARINGS OFFICER
For
COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

File No: V0040215

Petitioner,

v.

ALBERTO GARCIA

Respondent.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent Alberto Garcia mailing address is: 6500 SE Hazel St.,
Portland, OR 97206.

2.

The Respondent owns the address or location of the violations of law alleged in this Complaint 6500 SE Hazel St., Portland, OR 97206, also known as T1S, R2E, Section 29BB, Tax Lot 09305, and is located in Clackamas County, Oregon. The property is zoned Urban Low Density Residential Section 315 R-7 and is the location of violations asserted by the County.

3.

On or about the 8th day of August 2024, and on or about the 10th day of May 2025, the Respondent violated the following laws, in the following ways:

Respondent violated Clackamas County Code Chapter 10.03 of the Solid Waste and Wastes Management Code by allowing an accumulation of waste to remain on the subject property. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

Respondent violated Title 12 of the Clackamas County Zoning and Development Ordinance Sections 315.03 and 822 by operating a masonry business on site. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner: Violation notice dated August 24, 2015, and Administrative Citation #15204-1. A copy of the notice documents is attached to this Complaint as Exhibits D and M respectively and incorporated by this reference.

6.

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

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

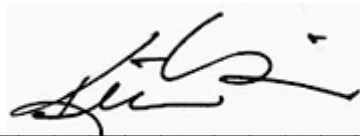
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for the Priority 2 violations being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the 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 expenses 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 2nd day of June 2026.



Kimberly Benthin
Code Enforcement Specialist
For Clackamas County

COUNTY of CLACKAMAS,

Petitioner,

v.

ALBERTO GARCIA,

Respondent.

File No.: V0040215

STATEMENT OF PROOF

History of Events and Exhibits:

August 10, 2015 Exhibit: A	Clackamas County received a complaint about an accumulation of waste and commercial masonry and tile business operating on site.
August 12, 2015 Exhibit: B	Correspondence was mailed requesting contact regarding the allegations.
August 19, 2015 Exhibit: C	Code Enforcement Specialist (CES) Kimberly Benthin received an email from Brizza, the daughter of the Respondent.
August 21, 2015	CES Benthin and Brizza had a phone conversation. Brizza explained the business does not occur on site. CES Benthin explained that a commercial use or storage in a residential zoning district requires land use authorization. Brizza asked about cargo containers and CES Benthin explained an 8 x 40 cargo container requires permitting. CES Benthin explained a letter would be mailed with additional information on permitting and land use authorization for a home occupation.
August 24, 2015 Exhibit: D	Facts of the violation were reviewed, the violation verified and Notice of Violation was mailed to the Respondent. A deadline of October 12, 2015, was issued to abate the violations of the unpermitted cargo container and operating a masonry business on site without land use authorization. The Notice of Violation was mailed via first class mail. The mail was not returned.
January 15, 2016 Exhibit: E	CES Benthin performed a site inspection and found a trailer full of debris, a cargo container, pallets, bags of waste, buckets, a commercial dumpster and work vehicles on the property.

January 20, 2016 Exhibit: F	Facts of the violation were reviewed, the violation verified and Notice of Violation was mailed to the Respondent. A deadline of February 19, 2016, was issued to abate the violations of the solid waste accumulation, the cargo container without permit, and operating a masonry business on site. The Notice of Violation was mailed via first class mail. The mail was not returned.
January 21, 2016 Exhibit: G	CES Benthin attempted to call Brizza but her phone number no longer works. CES Benthin sent an email with the January 20 th notice attached.
July 7, 2016 Exhibit: H	CES Benthin performed a site inspection, and found that it appeared the business continues to operate and an accumulation of waste items remained on site.
August 25, 2016 Exhibit: I	A notice of violation with a translation in Spanish was mailed to the Respondent. A deadline of September 26, 2016, was provided to bring the property into compliance with the Zoning and Development Ordinance, the Solid Waste and Wastes Management Code, and the Building Code. The notice was mailed by first class mail and was not returned.
2018 - 2022 Exhibit: J	Over time the property was inspected. It was never found to be in compliance with the County's Codes.
March 16, 2022 Exhibit: K	Facts of the violation were reviewed, the violation verified and Notice of Violation was mailed to the Respondent. A deadline of April 18, 2022, was issued to abate the violations of the Zoning and Development Ordinance, the Solid Waste and Wastes Management Code, and the Building Code. The Notice of Violation was mailed via first class mail; the mail was not returned.
May 5, 2022 Exhibit: L	A site inspection was conducted by CES Benthin. The property remained in violation of the Solid Waste and Wastes Management Code and the Zoning and Development Ordinance.
May 10, 2022 Exhibit: M	Citation #15204-1 was issued for the priority 2 zoning violation and a priority 2 solid waste violation for \$75.00 each. The citation was mailed via first class mail. The citation was not returned in the mail. This citation has not been paid.
May 13, 2026 Exhibit: N	The Administrative Compliance Fee has been mailed each month to the Respondent's address and has not been returned.

May 27, 2026 Exhibit: O	CES Benthin performed a site inspection. The property remained in violation.
May 28, 2026 Exhibit: P	A review of the State of Oregon Business Registry for Garcia Masonry and Tile revealed the business operated on the subject property but is currently inactive with the state.
June 2, 2026	The County referred this matter to the Code Enforcement Hearings Officer.

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

- Payment of Citation No. 15204-1 for \$75.00 for the priority 2 Solid Waste and Wastes Management Code violation and \$75.00 for the priority 2 Zoning and Development Ordinance violation for a total of \$150.00.
- Assessment of a civil penalty between \$500.00 and \$2,500.00 for *each* of the priority 2 violations.
- Assessment of an administrative compliance fee calculated at the rate of \$75 per month starting August 2015 through end of June 2025, subtotaling \$8,850.00
- Assessment of an administrative compliance fee calculated at the rate of \$100 per month starting July 2025 through date of abatement or date of final order subtotaling \$1,200.00, at this time.

The County is requesting a reduction of \$8,075.00 in the assessed administrative compliance fee due to 95 months of inactive code enforcement activity and is seeking a total administrative compliance fee of \$1,975.00.

- If the violations are not abated the County may request authorization for further enforcement action including proceeding to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expenses the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)

Should mitigating factors be presented in the hearing, which the Hearings Officer determines warrants a Continuing Order, the County would request that within 30 days of the date of the hearing one of the following options be completed for the business activity:

- The business activity discontinues. or;
- The business be relocated. or;
- Submit a complete application and fee for a Home Occupation Permit or other land use authorization for the business activity to the Clackamas County

Planning and Zoning Division. If the business activity receives land use authorization the violation will be considered resolved only after confirmation that all conditions of approval are met.

The County would also request the property be made compliant with the Solid Waste and Wastes Management Code within 30 days of the date of the hearing.

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

CHICAGO TITLE INSURANCE COMPANY

AFTER RECORDING RETURN TO:

Alberto Garcia

6500 SE Hazel Avenue

Portland, OR 97206

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

SAME AS ABOVE

Escrow No: 2100-18608-JF

Order No: 219174

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK

2000-067822



0008132120000067822001

\$26.00

D D - 1 - 3 BEVERLY
\$5.00 \$11.00 \$10.00

10/18/2000 10:29:32 AM

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

JERRY A. DUNN AND CONNIE L. DUNN

Grantor, conveys and warrants to ALBERTO GARCIA, a married person

Grantee, the following described real property free of encumbrances except as specifically
set forth herein:

North 103.60 feet of Lot 1, Block 3, LAMBERT ACRES, in the County of Clackamas and State
of Oregon.

This instrument will 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 approved uses and to determine any limits on lawsuits
against farming or forest practices as defined in ORS 30.930.

ENCUMBRANCES:

1. Taxes for the fiscal year 2000-2001, a lien but not yet payable.
2. The premises herein described are within and subject to the statutory power
including the power of assessment of the Clackamas River Water District.

The true consideration for this conveyance is \$123,000.00

Dated October 3, 2000 ; if a corporate grantor, it has caused its name to
be signed by order of its board of directors.

Jerry A. Dunn

Connie L. Dunn

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on
by JERRY A. DUNN AND CONNIE L. DUNN

This instrument was acknowledged before me on
by _____ as _____
of _____

Notary Public for Oregon

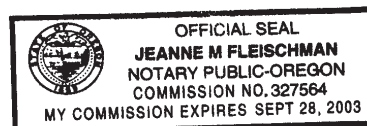
My commission expires: 9-28-2003

EXHIBIT A Page 1 of 2

Property Account Summary



00057725

Account Number	00057725	Property Address	6500 SE HAZEL ST , PORTLAND, OR 97206		
General Information					
Alternate Property #	12E29BB09305				
Property Description	516 LAMBERT ACRES PT LT 1 BLK 3				
Property Category	Land &/or Buildings				
Status	Active, Locally Assessed				
Tax Code Area	012-230				
Remarks					
Tax Rate					
Description	Rate				
Total Rate	18.8529				
Property Characteristics					
Neighborhood	11051: Overland Park 100, 101				
Land Class Category	101: Residential land improved				
Building Class Category	13: Single family res, class 3				
Year Built	1978				
Change property ratio	1XX				
Related Properties					
No Related Properties Found					
Parties					
Role	Percent	Name	Address		
Taxpayer	100	GARCIA ALBERTO	6500 SE HAZEL ST, PORTLAND, OR 97206		
Tax Service Co.	100	COTALITY TAX SERVICE	UNKNOWN, MILWAUKIE, OR 00000		
Owner	100	GARCIA ALBERTO	6500 SE HAZEL ST, PORTLAND, OR 97206		
Mortgage Company	100	MIDLAND MORTGAGE COMPANY	MORTGAGE CO MAILING, UNKNOWN,		
Property Values					
Value Type	Tax Year 1	Tax Year 2	Tax Year 3	Tax Year 4	Tax Year 5
AVR Total	\$173,826	\$168,764	\$163,849	\$159,077	\$154,444
Exempt					
TVR Total	\$173,826	\$168,764	\$163,849	\$159,077	\$154,444



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

August 12, 2015

Alberto Garcia
6500 SE Hazel Street
Portland, OR 97206

Subject: Alleged Violations of the Zoning and Development Ordinance, Title 12, Section 315 and the Solid Waste Code, Title 10, Section 10.03.030 of the Clackamas County Code

Site Address: 6500 SE Hazel St., Portland, OR 97206
T1S, R2E, Section 29BB, Tax Lot 09305

It has come to the attention of Clackamas County Code Enforcement that a business called Garcia's Mason & Tile may be operating from the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 315 of the Clackamas County Code.

Additionally there may be an accumulation of solid waste on the above referenced property.

This may constitute a violation of the Solid Waste Code, Title 10, Section 10.03.030 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 and my telephone number is 503-742-4457.

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.*

Benthin, Kim

From: brizza guerrero <brizza_guerrero@yahoo.com>
Sent: Wednesday, August 19, 2015 1:12 PM
To: Benthin, Kim
Subject: Regarding: Alberto Garcia 6500 S.E. Hazel Ave. Portland Or. 97206

Hi ,

My name is Brizza Guerrero am trying to help my parents resolve this issue,, Please let me know how we can fix this. Garcia's Mason & Tile LLC does reside in this location but as storage only. Their is no hazardous materials stored on these premises. Any questions please feel free to give me a call 503-891-8638.

Thank You

Brizza Guerrero 
brizza_guerrero@yahoo.com

[Spam](#)

[Not spam](#)

[Forget previous vote](#)



August 24, 2015

Alberto Garcia
6500 S.E. Hazel St.
Portland, OR 97206

Subject: Violations of the Clackamas County Zoning and Development Ordinance and the Building Code

Address: 6500 S.E. Hazel St., Portland, OR 97206
T1S, R2E, Section 29BB, Tax Lot 9305

This letter is in follow up to the email and telephone conversation with myself and Brizza Guerrero.

The subject property is currently zoned R-7 Urban Low Density Residential (Section 315). In this zone, home occupations are allowed subject to the performance standards and permit requirements set forth in Section 822 of the Clackamas County Zoning and Development Ordinance (enclosed).

It is requested that one (1) of the following alternatives be utilized **not later than October 12, 2015:**

1. Cease the unauthorized use. **Or;**
2. Submit an application for a Home Occupation Permit. (Application enclosed)

The cargo container will need a building permit. I have enclosed a pamphlet for the permitting of Cargo containers used as accessory structures. Please also note that it appears that there is storage of items in the area next to your tax lot that appears to be road right of way.

If you have any questions concerning land use permit requirements, please contact the Planning and Zoning Division at 503-742-4500. Or, you may stop by our offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8:00 a.m. and 3:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 pm on Fridays

Please feel free to contact me if you have any further questions. My direct telephone number is 503-742-4457 and email kimben@co.clackamas.or.us.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is positioned above the printed name.

Kimberly Benthin
Code Enforcement Section

Enclosures

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 \$3,500 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.







January 20, 2016

Alberto Garcia
6500 SE Hazel St
Portland, OR 97206

Subject: Violation of the Clackamas County Zoning and Development Ordinance the Solid Waste and Waste Management Code Chapter 10.03 and the Building Code

Address: 6500 SE Hazel St., Portland, OR 97206
T1S, R2E, Section 29BB, Tax Lot 9305

Correspondence was mailed on August 24, 2015 regarding the operation of Garcia's Mason and Tile operating on the above referenced property. It was requested that the unauthorized operation of the business either cease or a Home Application Permit be submitted no later than October 12, 2015, additionally a building permit needs to be obtained for the cargo container.

A recent site inspection confirmed that the business remains operating on site. It was also discovered that a large amount of solid waste is on site in violation of the Solid Waste and Waste Management Code. A recent review of County records finds no such permit has been submitted for the home occupation.

Please note: I understand that the actual *mason work* does not occur on site. However, the business is headquartered at this site. Materials, trucks and tools are stored on this site and leave this site to conduct the work. This activity requires a land use authorization to continue on site.

Garcia's Mason and Tile LLC, Home Occupation:

In order to abate the Zoning violation of the business operating on site; it is requested that one (1) of the following options be utilized **no later than February 19, 2016**

1. Cease the unauthorized use. This includes the storage of related tools, equipment, materials, vehicles. **or;**
2. Contact the County Planning and Zoning Department and submit an application for a Home Occupation Permit.

Accumulation of Solid Waste:

Please abate the violations of the Solid Waste and Waste Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, etc., **no later than February 19, 2016.:**

1. Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or,**
2. Render the inoperable and/or not currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or,**
3. Place the inoperable and/or not currently licensed vehicles that are owned by persons currently residing on the subject property inside a permitted structure, **and/or,**
4. Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C)) . Please note: placing items and vehicles under tarps or tarp structures does not remedy the violation. **And**
5. Remove all putrescible waste, and solid waste including but not limited to bags of garbage, trailer full of garbage, plastic, plastic buckets, pallets and miscellaneous debris..

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

The unpermitted Cargo Container:

This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate building code violation of the unpermitted cargo container, please complete one of the following options not **later than February 19, 2016:**

- Please submit the building permit application, technically complete plans and appropriate fee(s). The permit must be picked up within ten days of being notified. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued. **OR:**
- Remove the cargo container. Once removal is completed please contact me to schedule an inspection to confirm compliance.

If you have any questions concerning the land use permit requirements, please contact the Planning and Zoning Division at 503-742-4500. If you have any questions concerning the building permit requirements, please contact the Building Codes Division at 503-742-4240. Or, you may stop by our offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 pm on Fridays.

The land use applications were included in the August 24, 2015 correspondence. If you need additional applications please contact me or you may also find them on the County website.

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

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is positioned above the printed name and title.

Kimberly Benthin
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 \$3,500 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. "

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

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

dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of solid waste may, from time to time, have value and thus be utilized shall not remove them from the definition. ...”

Benthin, Kim

From: Benthin, Kim
Sent: Thursday, January 21, 2016 10:01 AM
To: 'brizza guerrero'
Subject: RE: Regarding: Alberto Garcia 6500 S.E. Hazel Ave. Portland Or. 97206
Attachments: 16-01-20 GARCIA.pdf

Brizza,

I noted that your family did not submit a home occupation permit for Garcia's Mason & Tile LLC. I recently did a site inspection and found the property to be in violation of the zoning ordinance, building code and the solid waste code. I have attached a letter that is going out in the postal mail today, to this email. I tried calling your number below but it did not work.

Let me know if you have questions. Also – if it would help you and your parents I could arrange interpretive services. We could meet in person, or via telephone.
Let me know what I can do to help.

Kimberly Benthin

Code Enforcement Section
Clackamas County

From: brizza guerrero [mailto:brizza_guerrero@yahoo.com]
Sent: Wednesday, August 19, 2015 1:12 PM
To: Benthin, Kim
Subject: Regarding: Alberto Garcia 6500 S.E. Hazel Ave. Portland Or. 97206

Hi ,

My name is Brizza Guerrero am trying to help my parents resolve this issue,, Please let me know how we can fix this. Garcia's Mason & Tile LLC does reside in this location but as storage only. Their is no hazardous materials stored on these premises.
Any questions please feel free to give me a call 503-891-8638.

Thank You

Brizza Guerrero 
brizza_guerrero@yahoo.com

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







DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD, OREGON CITY, OR 97045

25 de Agosto del 2016

Alberto Garcia
6500 SE Hazel St
Portland, OR 97206

Asunto: Violación de la Ordenanza de Zonificación del Condado de Clackamas y Desarrollo del Código de Desechos Sólidos y Gestión de Desperdicios Capítulo 10.03 y el Código de Construcción

Dirección: 6500 SE Hazel St., Portland, OR 97206
T1S, R2E, Section 29BB, Tax Lot 9305

Correspondencia fue enviada por correo el 24 de agosto del 2015, y también el 21 de enero del 2016 en relación a la operación de Garcia's Mason and Tile en la propiedad anteriormente mencionada. También he hablado por teléfono con Brizza Guerrero y he ofrecido servicios de traducción. Ella rehusó. En un intento por asegurar el mensaje del Condado está disponible para usted, he tenido esta carta traducida. Las cartas anteriores pidieron que la operación no autorizada de la empresa cesara o que una Solicitud de Permiso de Casa (Home Application Permit) fuera sometida, además, un permiso de construcción debe ser obtenido para el contenedor de carga y los desecho sólidos deben ser eliminados.

Una inspección reciente del sitio confirmo que la empresa sigue operando en este lugar. Una gran cantidad de desechos sólidos también permanecen en el lugar en violación al Código de Desechos Sólidos y Manejo de Desperdicios. Una revisión reciente de los records del Condado muestra que ninguna permiso como tal ha sido solicitado que autorice a esta empresa operar en el sitio o un permiso de construcción para el contenedor de carga.

Por favor tener en cuenta: Yo entiendo que *el trabajo en si* no sucede en el sitio. Sin embargo, la oficina central de la empresa está en este sitio. Materiales, camiones y herramientas son almacenados y salen de este sitio para llevar a cabo el trabajo. Esta actividad requiere una autorización de usar el terreno para continuar en este sitio.

Ocupación de Casa (Home Occupation) de Garcia's Mason and Tile LLC,:

Con el fin de disminuir la violación de Zonificación de la empresa que opera en el sitio; se solicita que uno (1) de las siguientes opciones debe utilizarse a más tardar **el 26 de septiembre del año 2016**

1. Cesar el uso no autorizado del sitio. Esto incluye el almacenamiento de herramientas, equipo, materiales, vehículos de la empresa. **O**;
2. Contactar el Departamento de Planeación y Zonificación del Condado y presentar una solicitud para un Permiso de Ocupación de Casa (Home Occupation Permit)

Acumulación de Desecho Solido:

Por favor reducir las violaciones del Código de Manejo de Desechos Sólidos y Desperdicios utilizando las siguientes opciones para todos los vehículos inoperables y/o vehículos que al presente no tiene licencia los cuales incluye motocicletas, lanchas y/o remolques de lanchas, y/o carro casa, remolques de viaje, etc..., a más tardar **el 26 de septiembre del año 2016**

1. Remover todos los vehículos inoperables y/o vehículos que al presente no tiene licencia de la propiedad en cuestión, **y/o**;
2. Dar los vehículos inoperables y/o vehículos que al presente no tienen licencia, vehículos operables y con licencia a personas que residen actualmente en la propiedad en cuestión, **y/o**;
3. Coloque los vehículos inoperables y / o no actualmente licenciados que son propiedad de las personas que residen actualmente en la propiedad en cuestión dentro de una estructura permitida , **y/o**,
4. Cubrir no más de dos vehículos fuera de la vista de la carretera y las propiedades en sus alrededores, en conformidad con los requisitos mínimos de cubrimiento del código (ver capítulo 10.03.060 (C)). Tenga en cuenta: colocar los objetos y vehículos bajo estructuras de lonas o una lona no remedia la violación. **Y**
5. Retire todos los residuos putrescibles y residuos sólidos incluyendo, pero no limitado a, bolsas de basura, remolque lleno de basura, plástico, cubetas de plástico, paletas y otros escombros diversos.

Esta acumulación de desechos sólidos causa una condición de mal aspecto y es un peligro para la seguridad y la salud y , por lo tanto, viola el Código del Condado de Clackamas , Capítulo 10.03 , Desechos Sólidos y Manejo de Desperdicios.

Su cooperación es solicitada para almacenar fuera de la vista todos los objetos de los desechos sólidos que se desea mantener y eliminar el resto a una instalación de eliminación autorizada. Además , todos los desperdicios putrescibles se deben almacenar en un recipiente a prueba de roedores con una tapa de cierre hermético y debe ser retirada a una instalación de eliminación autorizada como mínimo de una vez cada siete (7) días. Cubrir desechos sólidos bajo estructuras de lonas o una lona no remedia la violación.

Contenedor de Carga no Autorizado:

Esta es una violación del Capítulo 9.02 del Código del Condado de Clackamas en lo que respecta a la aplicación y cumplimiento del Código de Construcción del Condado de Clackamas. Para poder disminuir la violación del código de construcción de código de contenedor de carga no permitida, por favor complete una de las siguientes opciones no más tarde del 26 de septiembre del año 2016:

- Por favor, envíe la solicitud de permiso de construcción, planes técnicamente completos y la cuota correspondiente. El permiso debe ser recogido dentro de los diez días siguientes a la notificación. Por favor haga todas las inspecciones de manera que las inspecciones finales se pueden obtener a más tardar 45 días después de la fecha de la expedición del permiso. O:
- Retire el contenedor de carga. Una vez que se ha completado la eliminación póngase en contacto conmigo para programar una inspección para confirmar el cumplimiento.

Si usted tiene alguna pregunta acerca de los requisitos del permiso de uso del terreno, por favor, póngase en contacto con la División de Planificación y Zonificación al 503-742-4500. Si usted tiene alguna pregunta acerca de los requisitos del permiso de construcción, póngase en contacto con la División de Códigos de Construcción al 503-742-4240. O usted puede pasar por nuestras oficinas en 150 Beavercreek Road, Edificio de Servicios de Desarrollo, Oregon City. Las horas que el vestíbulo está abierto son entre las 8:00 a.m. y las 4:00 p.m. de lunes a jueves y de 8 a.m. a 3:00 p.m. los viernes.

Las aplicaciones de uso del terreno se incluyeron en la carta del 24 de agosto del 2015. Si necesita aplicaciones adicionales o quisiera las aplicaciones de uso del terreno traducidas por favor contácteme o también se puede encontrar en la página web del Condado.

Si usted tiene alguna pregunta, mi número directo es 503-742-4457 y mi correo electrónico es kimben@co.clackamas.or.us .



Kimberly Benthin
Sección De Aplicación del Código

El Aviso Requerido de Multas y Sanciones

Es importante que se comunique con la Sección de Aplicación del Código para resolver las violaciones descritas en la carta adjunta. La incapacidad de resolver estas violaciones puede resultar en uno o más de los siguientes: (1) una citación y una multa, (2) evaluación de un pago administrativo, y (3) la remisión de este asunto al Oficial de Audiencias de la Aplicación del Código del Condado.

El Código del Condado de Clackamas provee multas hasta la cantidad de \$500 y penalidades civiles adicionales de hasta \$3,500 por cada día que el condado verifique incumplimiento. Las cantidades de las multas y penalidades civiles son evaluadas por cada violación que se ha dado y puede ser evaluada separadamente en contra de cada persona nombrada. Además, el Oficial de Audiencias de la Aplicación puede ordenar que la violación sea disminuida por el Condado a expensas del dueño(s) de la propiedad y personas responsables.

El Condado de Clackamas anima el cumplimiento voluntario de las violaciones del código para mantener una comunidad segura y sana para todos. Por favor tome en cuenta que cuando el dueño de una propiedad coopera con el condado para resolver una violación de código reforzada confirmada, el Condado puede condonar toda o parte de los \$75 del pago administrativo mensual.

Multas no pagadas, pagos administrativos, penalidades civiles y costos de disminución pueden ser grabada para derecho de retención contra propiedades que cualquiera de las personas involucradas posean juntamente o por separado.

También sea advertido que el incumplimiento de las Ordenes del Oficial de Audiencias puede resultar en referir el caso a un Consejero de Condado para acción legal en Corte de Circuito la cual puede resultar en penalidades adicionales y otras sanciones.

Por último, las recurrencias de violaciones reducidas darán como resultado la emisión de una citación sin previo aviso.

Capítulo 10.03 del Código del Condado de Clackamas Desechos Sólidos y Manejo de Desperdicios

(todo el código puede ser encontrado en la página web del Condado de Clackamas)

Fragmentos:

10.03.060 Desechos Sólidos o Acumulación Prohibida de Desperdicios

"A. Excepto cómo está escrito en la subsección D de esta Sección, ninguna persona podrá almacenar, coleccionar, mantener o exhibir en propiedad privada desechos sólidos o desperdicios o material reciclable que sea ofensivo o nocivo para la salud y la seguridad del público o que cree olores ofensivos o un fastidio público. Almacenamiento, recolección, mantenimiento o exhibición de desechos sólidos o desperdicios en violación a esta Sección será considerado una molestia pública el cual podrá ser reducido como dispuesto en la parte 10.03.070 de este capítulo.

B. Además de lo dispuesto en la subsección A, las siguientes condiciones o acciones son también específicamente identificadas como la creación de una molestia pública bajo este capítulo:

1. Poner una lona, plástico, tela o un aparato similar sobre o alrededor de desechos sólidos o desperdicios con el propósito de mantenerlos fuera de la vista de la carretera o propiedades de los alrededores.
2. Poner una lona, plástico, tela o un aparato similar sobre o alrededor de desechos sólidos o desperdicios que está siendo almacenado en un remolque, camioneta, semirremolque, o un dispositivo similar con el propósito de mantenerlos fuera de la vista de la carretera o propiedades de los alrededores.
3. Construir una cerca de llantas por cualquier propósito.
4. El almacenamiento de desperdicio de llantas excepto lo permitido en conformidad con OAR Capítulo 340.
5. El almacenamiento de desperdicios putrescibles, si es visible o no visible desde la carretera o propiedades adyacentes, que no es mantenida en un recipiente a prueba de roedores con una tapa que cierre bien, y no removida de la propiedad a una instalación de eliminación autorizada dentro de siete (7) días.
6. El compostaje que provoca olores desagradables, o que crea un peligro para la salud, o que puede atraer o suministrar alimentos para potencialmente portadores de enfermedades, tales como pájaros, roedores, moscas y otros vectores.
7. Almacenar, coleccionar, mantener o exhibir cualquier vehículo especial con o sin licencia o equipo que está inmóvil, inoperable, parcialmente desmantelados o desmantelado, en mal estado, o dañado por un incendio y es visible desde la carretera o propiedades de los alrededores.
8. Almacenar, coleccionar, mantener o exhibir un carro casa o un remolque para vivir que está en ruinas o parcialmente desmantelado o dañado por un incendio y es visible desde la carretera o propiedades de los alrededores.
9. El almacenamiento, la colección, el mantenimiento o exhibición: electrodomésticos residenciales, comerciales e industriales, equipos y muebles; partes de vehículos; llantas; chatarra, o cualquier otro material inútil, no deseado o desecho u otros residuos sólidos no putrescibles similares, que son visibles desde la carretera o propiedades de los alrededores.
10. El almacenamiento, la colección, el mantenimiento o exhibición de cualquier automóvil antiguo, clásico, de carreras de colección que es inoperable y es visible desde la carretera o propiedades de los alrededores.
11. El almacenamiento de cualquier vehículo o vehículos inoperables a menos que dicho vehículo o vehículos se encuentran dentro de una estructura permitida o de desarrollo, solo hasta dos vehículos por premisa pueden almacenarse detrás de una barrera para cubrir, de acuerdo con 10.03.060 C, y no será visible desde la carretera o propiedades de los alrededores. A los efectos de la presente subsección 11, dos o más lotes contiguos de impuestos que se encuentren bajo la propiedad común se considerarán un solo local.
12. Cuando desarrollos comerciales, industriales, multifamiliares o residenciales que usan un compactador o compactadores para el manejo del desecho en el campo, no mantienen las áreas alrededor del compactador libre de desecho sólido y escombros y no es lavado seguido.

C. Cualquier barrera para cubrir utilizada para disminuir el mal aspecto debe consistir en una de las siguientes opciones:

1. Construir una cerca de madera sin pintar o pintada con un color neutral o un tono tierra, los postes deben consistir de materiales no decadentes, con un diámetro de cuatro (4) pulgadas como mínimo y anclado a un mínimo de dos (2) pies de profundidad. Habrá una separación máxima de ocho (8) pies

entre los postes. Las barandas serán de madera mínimo de 2 por 4 pulgadas con el lado de 4 pulgadas adjuntada verticalmente al poste. Las tablas adjuntadas horizontal o verticalmente deben ser puestas con una separación máxima de ¼ de pulgada.

2. Construir una cerca metálica que sea de cadeneta o valla de tela con postes de metal anclados a un mínimo de dos (2) pies de profundidad con barandas y conectores de metal. Tiras de madera o plástico a prueba de agua e insectos debe ser insertadas en las cadenetas o vallas de tela con una separación máxima de 3/8 de pulgada entre las tiras.
3. Construir una cerca combinada consistente de hojas de metal adjuntas a marcos de madera como es definida en la Sección C 1 en la parte anterior o de marco metálico durable que es pintado de un color neutro o un tono tierra.
4. Construir una pared consistente de materiales sólidos, construida de concreto, albañilería, ladrillo, piedra u otros materiales similares o una combinación de estos.
5. Construir una berma de tierra, arena, arcilla o cualquier combinación de estos y deber ser plantado con césped y/o plantaciones ornamentales y deberán ser mantenidas en todo momento.
6. Plante un seto de hoja perenne u otras plantaciones ornamentales con un mínimo de seis (6) pies de alto, plantadas a no más de dos (2) pies sobre el centro y deberán ser mantenidas en todo momento.

Además del requerimiento mínimo de cercas, las cercas de madera, metal, albañilería o una combinación de estas que sean más altas de seis (6) pies de altura estarán sujetas a una revisión del Condado conforme al Código de Construcción de Uniformidad del Estado de Oregon (Oregon State Uniform Building Code), y todas las bermas están sujetas a una revisión del Condado conforme al Código del Condado de Clasificación y Excavación (County's Grading and Excavation Chapter).

Para los propósitos de este capítulo, ninguna barrera para cubrir será localizada, puesta, construida o instalada contrario a la Zonificación del Condado de Clackamas y la Ordenanza para el Desarrollo (Clackamas County Zoning and Development Ordinance)

10.03.030 Definiciones

"(32). VEHICULO INOPERABLE por el propósito de las provisiones de Reducción de Molestias en este capítulo, significa que un vehículo diseñado para el uso de la carretera pública que ha sido dejado en propiedad pública o privada por treinta (30) días o más y que actualmente no está licenciado o en condición de ser operado o que ha sido extensamente averiado, vandalizado o desmantelado, incluyendo y no limitado a vehículos sin ruedas, llantas, motor o transmisión. Un vehículo inoperable no significará un vehículo o vehículos sin licencia que son operables y que son usados dentro de propiedad privada para la producción, propagación o cosecha de productos agrícolas cultivados sobre ese terreno."

"(47). MATERIAL PUTREFACTIBLE significa desecho sólido o desperdicios, incluyendo: huesos, carnes y sobras de carne; grasa corporal, grasa; pescado y sobras de pescado; contenedores de comida o productos contaminados con desperdicios, residuos o partículas de comida; verduras preparadas y desperdicio o sobrados de fruta; estiércol, heces, lodo de alcantarillado; animales muertos o desechos similares que pueden causar olores ofensivos o crear riesgos para la salud los cuales son capaces de atraer o proporcionar comida para cargadores de enfermedades como pájaros, roedores, moscas y otros vectores."

"(58). DESECHO SÓLIDO O DESPERDICIOS incluirá todos los desechos putrefactos y no putrefactos incluyendo pero no limitado a: basura; abono; desechos orgánicos; escombros de jardín, matorrales y ramas; escombros de terrenos; lodo de alcantarillado, demolición de edificios residenciales o comerciales o desperdicios de construcción, electrodomésticos, equipo y muebles residenciales, comercial o industrial descartados; vehículos descartados, inoperables o abandonados o partes de vehículos y llantas; vehículos especiales y equipo que no se pueden mover y/u operar, casas móviles, casas prefabricadas que están deterioradas, parcialmente desmanteladas o dañadas por un incendio; estiércol, heces, desechos sólido o semi sólidos animal o vegetal y animales muertos; y desperdicio infeccioso

Desecho significará materiales, inútiles, no deseados y descartados. El hecho de que los materiales que de otro modo están incluidos en la definición de los desechos sólidos, de vez en cuando pueden tener valor y por lo tanto ser utilizados, estos no deberán ser retirados de la definición, ... "



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD * OREGON CITY, OR 97045

August 25, 2016

Alberto Garcia
6500 SE Hazel St
Portland, OR 97206

Subject: Violation of the Clackamas County Zoning and Development Ordinance the Solid Waste and Waste Management Code Chapter 10.03 and the Building Code

Address: 6500 SE Hazel St., Portland, OR 97206
T1S, R2E, Section 29BB, Tax Lot 9305

Correspondence was mailed on August 24, 2015, and also on January 21, 2016 regarding the operation of Garcia's Mason and Tile operating on the above referenced property. I have also spoken on the phone with Brizza Guerrero and offered translation services. She declined. In an attempt to insure the County's message is available to you I have had this letter translated. The prior letters requested that the unauthorized operation of the business either cease or a Home Application Permit be submitted, additionally a building permit needs to be obtained for the cargo container and solid waste items need to be removed.

A recent site inspection confirmed that the business remains operating on site. A large amount of solid waste in violation of the Solid Waste and Waste Management Code also remains on site. A recent review of County records finds no such permit has been submitted to authorize the business operating on site nor a building permit for the cargo container.

Please note: I understand that the actual *mason work* does not occur on site. However, the business is headquartered at this site. Materials, trucks and tools are stored on this site and leave this site to conduct the work. This activity requires a land use authorization to continue on site.

Garcia's Mason and Tile LLC, Home Occupation:

In order to abate the Zoning violation of the business operating on site; it is requested that one (1) of the following options be utilized **no later than September 26, 2016**

1. Cease the unauthorized use. This includes the storage of related tools, equipment, materials, business vehicles. **or;**
2. Contact the County Planning and Zoning Department and submit an application for a Home Occupation Permit.

Accumulation of Solid Waste:

Please abate the violations of the Solid Waste and Waste Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, etc., **no later than September 26, 2016.:**

1. Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or,**
2. Render the inoperable and/or not currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or,**
3. Place the inoperable and/or not currently licensed vehicles that are owned by persons currently residing on the subject property inside a permitted structure, **and/or,**
4. Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C)) . Please note: placing items and vehicles under tarps or tarp structures does not remedy the violation. **And**
5. Remove all putrescible waste, and solid waste including but not limited to bags of garbage, trailer full of garbage, plastic, plastic buckets, pallets and miscellaneous debris.

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

The unpermitted Cargo Container:

This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate building code violation of the unpermitted cargo container, please complete one of the following options not **later than September 26, 2016:**

- Please submit the building permit application, technically complete plans and appropriate fee(s). The permit must be picked up within ten days of being

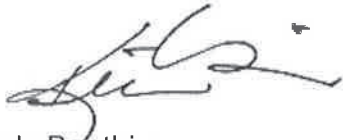
notified. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued. OR:

- Remove the cargo container. Once removal is completed please contact me to schedule an inspection to confirm compliance.

If you have any questions concerning the land use permit requirements, please contact the Planning and Zoning Division at 503-742-4500. If you have any questions concerning the building permit requirements, please contact the Building Codes Division at 503-742-4240. Or, you may stop by our offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 pm on Fridays.

The land use applications were included in the August 24, 2015 correspondence. If you need additional applications or would like the land use applications translated please contact me or you may also find them on the County website.

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



Kimberly Benthin
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 \$3,500 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. "

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

"(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. ..."



8-27-2018 Site Inspection





12-18-2019 Site Inspection





8-24-2021 Site Inspection





01-25-2022 Site Inspection





March 16, 2022

Violation File # V0040215

Alberto Garcia
6500 SE Hazel St
Portland, OR 97206

Subject: Violations of the Clackamas County Zoning and Development Ordinance Sections 315.03 and 822 and the Solid Waste and Wastes Management Code Chapter 10.03 and the Building Code Chapter 9.02.

Address: 6500 SE Hazel St., Portland OR 97206
Legal Description: T1S, R2E, Section 29BB, Tax Lot 9305

As you are aware, violations have been identified on the above referenced property. Clackamas County Code Enforcement Section continues to receive complaints regarding the Masonry Pool and Spa business that is operating from this property, and the related waste that includes but not limited to: cargo containers, equipment, mixers, pumps, inoperable vehicles, trailers, buckets, cardboard, etc.,.

You have been sent correspondence in the past (enclosed) however, the County has not had a response. I have spoken to Brizza, however, that has not led to compliance. She said she was calling on behalf of her parents. I offered her translation services but she declined.

I have enclosed a flyer from Clackamas County Economic Development, they may be able to provide you resources and assistance.

The following paragraphs provide the descriptions of the violations and the path to compliance.

Violations of the Solid Waste and Wastes Management Code Chapter 10.03

Please abate vehicle violations of the Solid Waste and Wastes Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles that includes motorcycles, boats, trailers, equipment, concrete pumps, mixers, forklift, motor-homes, travel trailers, recreational vehicles etc., **no later than April 18, 2022:**

1. Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or**,

2. Render the inoperable and/or not currently licensed vehicles, operable and licensed. (Please note that vehicles stored on site that are not licensed to persons currently residing on the subject property may be a separate violation of the Zoning and Development Ordinance), **and/or**,
3. Place the inoperable and/or not currently licensed vehicles inside a structure permitted for such use, **and/or**,
4. Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C) excerpt enclosed).

Please abate the violation of the remaining solid waste on the subject property that is not a vehicle by completing one or a combination of the following **no later than April 18, 2022**:

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

Violations of the Zoning and Development Ordinance Sections 315 and 822

The storage of many items on the property related to the masonry, pool and spa business (mentioned above) may also be a violation of the Zoning and Development Ordinance.

The subject property is zoned Urban Low Density Residential. In this zone, home occupations are allowed subject to the performance standards and permit requirements set forth in Section 822 of the Clackamas County Zoning and Development Ordinance.

It is requested that one (1) of the following alternatives be utilized **not later than April 18, 2022**:

1. Cease the unauthorized use. or;
2. Relocate the business and contact me to schedule an inspection to confirm the property has been brought into compliance. or;
3. Submit a complete application and fee for a Home Occupation Permit to the Clackamas County Planning and Zoning Division. If the business activity receives land use authorization the violation file will be closed only after confirmation that all conditions of the approval are met.

The Clackamas County Zoning and Development Ordinance and the related applications can be found on the Clackamas County website. If you have questions regarding the standards and requirements, you may contact the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us

Violations of the Building Code Chapter 9.02

The placement of cargo/shipping container(s) on the subject property are a violation of the Building Code and may also be a violation of the Zoning and Development Ordinance.

In order to abate the violations, please complete one of the following options **not later than April 18, 2022:**

- Permit the placement of the Cargo Container. The location of the cargo container and the use of the container must meet the requirements and standards of the zoning district applied to the subject property. The storage of commercial items related to the business would not be allowed without first obtaining land use authorization for the business to be on the subject property.
 - Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s).
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes that they are ready.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Or:

- Remove the Cargo Container. Once removal is completed please contact me to schedule an inspection to confirm compliance.

Or:

- Schedule an inspection with me to confirm that the size of the container is exempt from the permitting requirement and that the use is allowed by the zoning district.

At this time, documents and applications for building permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. For additional questions concerning these permit requirements or the online submittal process, you may contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

You have been receiving the monthly Administrative Compliance Fee letter since 2015. It is preferable that the property be brought into compliance without having to impose these fees. If you have a plan to gain compliance but require more time to do so, please contact me and we can coordinate a new deadline for compliance.

Please feel free to contact me if you have any further questions. My direct telephone number is 503-742-4457 and email kimben@co.clackamas.or.us



Kimberly Benhin
Code Enforcement Section
Clackamas County
Enclosures

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beavercreek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to:

www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问

www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

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

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

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은

홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

Resources & Tools for Business Success



Gain access to over 1500 free and low-cost resources to help you start and grow your business!

Need help gaining a *competitive edge?*

- Information about local and online business training resources
- Using social media to promote your business
- Six Sigma Quality for small businesses
 - Links to one-on-one help

What's New?

**Links to new resources are added every month.
Recent additions focus in these areas among many others:**

- Resources Especially for Veterans
- Surviving a Pandemic
- Recession/Road to Recovery
- Cyber Security for your Company
- Resources for Restaurants
- Resources Especially for Retailers

Tired of searching the web for answers?

Find all the resources you need in one place!

- Local, State, and Federal Programs to help businesses
- Easy Ways to "Go Green"
- Marketing and Selling Resources
- Disaster Preparation and Recovery
- Training programs for Owners and Employees
- Going Global
- Business Plan Resources
- Links for specialized Industries

Need help getting your business off the ground?

Our Start-up Help section includes

- Business Entity Wizard - to help you choose the right type of legal entity
- All of the necessary forms to create a business entity
- Sales tax, quarterly estimated tax and other forms required throughout the year
- Access to free business plan software
- Links to free one-on-one assistance
- Business License and other local requirements

www.Resources4Business.info/Clackamas



August 25, 2016

Alberto Garcia
6500 SE Hazel St
Portland, OR 97206

Subject: Violation of the Clackamas County Zoning and Development Ordinance the Solid Waste and Waste Management Code Chapter 10.03 and the Building Code

Address: 6500 SE Hazel St., Portland, OR 97206
T1S, R2E, Section 29BB, Tax Lot 9305

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Please note: I understand that the actual *mason work* does not occur on site. However, the business is headquartered at this site. Materials, trucks and tools are stored on this site and leave this site to conduct the work. This activity requires a land use authorization to continue on site.

Garcia's Mason and Tile LLC, Home Occupation:

In order to abate the Zoning violation of the business operating on site; it is requested that one (1) of the following options be utilized **no later than September 26, 2016**

1. Cease the unauthorized use. This includes the storage of related tools, equipment, materials, business vehicles. **or;**
2. Contact the County Planning and Zoning Department and submit an application for a Home Occupation Permit.

Accumulation of Solid Waste:

Please abate the violations of the Solid Waste and Waste Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles which includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, etc., **no later than September 26, 2016.:**

1. Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or,**
2. Render the inoperable and/or not currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or,**
3. Place the inoperable and/or not currently licensed vehicles that are owned by persons currently residing on the subject property inside a permitted structure, **and/or,**
4. Screen no more than two vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Chapter 10.03.060 (C)) . Please note: placing items and vehicles under tarps or tarp structures does not remedy the violation. **And**
5. Remove all putrescible waste, and solid waste including but not limited to bags of garbage, trailer full of garbage, plastic, plastic buckets, pallets and miscellaneous debris.

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

The unpermitted Cargo Container:

This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate building code violation of the unpermitted cargo container, please complete one of the following options not **later than September 26, 2016:**

- Please submit the building permit application, technically complete plans and appropriate fee(s). The permit must be picked up within ten days of being

notified. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued. **OR:**

- Remove the cargo container. Once removal is completed please contact me to schedule an inspection to confirm compliance.

If you have any questions concerning the land use permit requirements, please contact the Planning and Zoning Division at 503-742-4500. If you have any questions concerning the building permit requirements, please contact the Building Codes Division at 503-742-4240. Or, you may stop by our offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 pm on Fridays.

The land use applications were included in the August 24, 2015 correspondence. If you need additional applications or would like the land use applications translated please contact me or you may also find them on the County website.

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

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

Kimberly Benthin
Code Enforcement 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 \$3,500 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.





Citation No. 15204-1

Case No. V0040215

ADMINISTRATIVE CITATION

Date Issued: May 10, 2022

Name and Address of Person(s) Cited:

Name: Alberto Garcia
Mailing Address: 6500 Hazel St.
City, State, Zip: Portland, OR 97206

Date Violation(s) Confirmed: On the 5th day of May, 2022, 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): 6500 SE Hazel St., Portland, OR 97206
Legal Description: T1S, R2E Section 29BB, Tax Lot 09305

Law(s) Violated

- ☐ Chapter 7.03 of Clackamas County Code, Road Use, Section
- ☐ Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- ☐ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040,
- ☐ Chapter 9.03 of CCC Excavation and Grading, Section
- ☒ Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Sections 315.03 and 822

Description of the violation(s):

- 1) A masonry, pool and spa business continues to operate from the subject property. Materials, tools, equipment and vehicles are all on the property related to the business in violation of the Zoning and Development Ordinance

Maximum Civil Penalty \$2500.00 Fine \$75.00

- 2) On the subject property is an accumulation of debris including but not limited to: equipment, buckets, pallets, and inoperable vehicles.

Maximum Civil Penalty \$2500.00 Fine \$75.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$150.00. 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: May 10, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____

Violation File # : V0040215



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

05/13/26

GARCIA ALBERTO
6500 SE HAZEL ST
PORTLAND, OR 97206

Subject: Notice of Monthly Administrative Compliance Fee Accrual.

Site Address: 6500 SE HAZEL ST
PORTLAND, OR 97206

Legal Description: 12E29BB09305

Violation Number: V0040215

You are receiving this letter because there are one or more pending code violations on the above referenced property. As you have been informed in previous correspondence from the Clackamas County Code Enforcement Section, a \$100.00 per month administrative compliance fee is being imposed against you by the County. The date from which the fee will be imposed is 08/17/2015, because that is the date on which County staff verified the code violation.

This administrative compliance fee will continue to accrue monthly until the code violation has been abated. The fee amount currently owed to the County is \$9,850.00. This administrative compliance fee is in addition to any other fines or penalties that may be imposed through citation or Hearings Officer actions.

You may challenge or dispute the assessment of the administrative compliance fee by sending a written request for a hearing to:
Code Enforcement, 150 Beaver Creek Rd., Oregon City, OR 97045, or at
codeenforcement@clackamas.us.
Include your name and address within the written request for a hearing.

The Clackamas County Code provides for civil penalties to be imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance.

We look forward to working with you in the resolution of this matter.

Kim Benthin
503-742-4457
KimBen@clackamas.us

Clackamas County Code Enforcement









BUSINESS DETAIL		
Licensee : GARCIA'S MASON & TILE INC	Address : 6500 SE HAZEL AVE PORTLAND OR 97206	
License No. : 158305	License Status: Not Active - Expired after a lapse	
Date First Licensed : 1/15/2004	Expiration Date: 1/15/2010	
Entity Type : Corporation	Phone : (503) 358-5594	
Endorsement Type : General Contractor/All		
Workers' Compensation/Independent Contractor Status : Nonexempt		
ADDITIONAL BUSINESS LICENSES AND CERTIFICATIONS		
CERTIFIED LEAD-BASED PAINT RENOVATION (LBPR) CONTRACTOR LICENSE: NO <i>Required to bid and work on pre-1978 residential structures.</i>		
OTHER BUSINESS INFORMATION		
WORKERS' COMPENSATION INSURANCE INFORMATION		
Coverage	Carrier	Policy No.
Employee	SAIF	963638
Personal Election	None	None
<i>The CCB does not receive automatic notification of changes to workers' compensation coverage status. Current Oregon coverage status can be confirmed through the Oregon Workers' Compensation Division.</i>		
LIABILITY INSURANCE INFORMATION (History)		
Company	Amount	Expiration Date
No Active Insurance	None	None
SURETY BOND INFORMATION (History)		
Type	Company	Amount
Residential	None	None
Commercial	None	None
ASSOCIATED INDIVIDUALS		
Corporate Officer	CORREA, JAVIER V	
Corporate Officer	MARTINEZ, ALBERTO GARCIA	
RMI Owner	CORREA, JAVIER V	
Click here to see past associated individuals' names.		
ASSUMED BUSINESS NAME(S)		
None		
Click here to see past assumed business names.		

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BUSINESS DETAIL		
Licensee : GARCIA'S MASON AND TILE LLC	Address : 6500 SE HAZEL AVE PORTLAND OR 97206	
License No. : 191690	License Status: Not Active - Expired after a lapse	
Date First Licensed : 8/24/2010	Expiration Date: 9/18/2020	
Entity Type : Limited Liability Company	Phone : (503) 358-5594	
Endorsement Type : Commercial General Contractor Level 2 Residential General Contractor		
Workers' Compensation/Independent Contractor Status : Nonexempt		
ADDITIONAL BUSINESS LICENSES AND CERTIFICATIONS		
CERTIFIED LEAD-BASED PAINT RENOVATION (LBPR) CONTRACTOR LICENSE: NO <i>Required to bid and work on pre-1978 residential structures.</i>		
OTHER BUSINESS INFORMATION		
WORKERS' COMPENSATION INSURANCE INFORMATION		
Coverage	Carrier	Policy No.
Employee	WELLFLEET NY	ARX10170600
Personal Election	None	None
<i>The CCB does not receive automatic notification of changes to workers' compensation coverage status. Current Oregon coverage status can be confirmed through the Oregon Workers' Compensation Division.</i>		
LIABILITY INSURANCE INFORMATION (History)		
Company	Amount	Expiration Date
No Active Insurance	None	None
SURETY BOND INFORMATION (History)		
Type	Company	Amount
Residential	None	None
Commercial	None	None
ASSOCIATED INDIVIDUALS		
Member (Limited Liability Company)	GARCIA MARTINEZ, ALBERTO	
RMI Employee	GUERRERO, BRIZZA	
Click here to see past associated individuals' names.		
ASSUMED BUSINESS NAME(S)		
None		
Click here to see past assumed business names.		

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