

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Alleged Nuisance)
at the Property of Samuel A. Owen)
Located at 26623 Cannon Road)
Rainier, Oregon and with Tax No.)
7314-DO-01400)
ORDER NO. 45-2023

WHEREAS, Samuel A. Owen (the "Owner") is the owner of certain property located at 26623 Cannon Road Rainier, Oregon, having assigned Tax No. 7314-DO-01400 (the "Property"); and

WHEREAS, Section 7.01 of the Columbia County Solid Waste Management Ordinance (the "Ordinance") prohibits the storage, collection, maintenance or display of or wastes or solid wastes on private property in a manner that is offensive or hazardous to the health and safety of the public, or which creates odors or a condition of unsightliness; and

WHEREAS, Ordinance Section 7.01 further makes such storage, collection, maintenance or display of or wastes or solid wastes on private property a public nuisance subject to abatement under Section 7.04 of the Ordinance; and

WHEREAS, under Section 7.04(A) of the Ordinance, County staff is authorized to make an investigation to determine whether or not the storage, collection, maintenance or display of wastes or solid wastes violates Ordinance Section 7.01; and

WHEREAS, pursuant to Ordinance Section 7.04(A), County staff conducted an investigation and determined that a nuisance exists at the Property; and

WHEREAS, after determining that a nuisance exists at the property, and in accordance with Ordinance Section 7.04(B), on March 27, 2023 County staff caused a notice to be mailed via Certified Mail, to the Owner, the Property, and to the Owner's daughter, giving the Owner 60 days to abate the nuisance; and

WHEREAS, following the 60 day period granted by County staff for abating the nuisance, County staff determined that the nuisance at the Property continued to exist; and

WHEREAS, pursuant to Ordinance Section 7.04(C), notice was forwarded to the Board of Commissioners (the "Board") of the continuing nuisance at the Property; and

WHEREAS, on August 11, 2023, in accordance with Ordinance Section 7.04(C), the Board caused a notice for a hearing on August 30, 2023 to be issued, for the Board to receive evidence and testimony on the question of whether a nuisance exists at the

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Property, and for the Owner to show cause why a nuisance should not be declared to exist; and

WHEREAS, on August 12, 2023, County staff caused the notice of the August 30, 2023 hearing to be mailed via Certified Mail, to the Owner, the Property, and to the Owner's daughter; and

WHEREAS, on August 30, 2023, the Board held a public hearing on the question of whether a nuisance exists at the Property, and to provide an opportunity for the Owner, Owner's representatives, or members of the public to show cause why a nuisance should not be declared to exist on the Property; and

WHEREAS, at the August 30, 2023 hearing, the Board received evidence and testimony into the record, including substantial evidence of an unlawful accumulation of wastes and solid wastes at the Property; and

WHEREAS, following the hearing, the Board deliberated on the matter and voted unanimously in finding a nuisance to exist at the Property, and accordingly directed staff to prepare an appropriate order;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. A nuisance is declared to exist on the property located at 26623 Cannon Road Rainier, Oregon (Tax No. 7314-DO-01400).
2. The Owner of the Property shall cause the nuisance to be abated within 30 days of the date of this Order.

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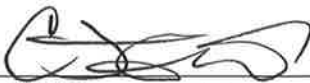
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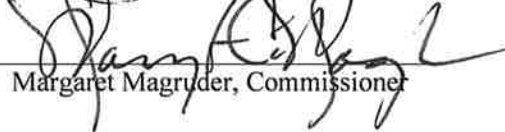
3. If the nuisance is not abated within 30 days of the date of this Order, the Board shall take such further action as authorized under Section 7.04(D) of the Solid Waste Management Ordinance. Without limitation, such action may include authorizing County staff to abate the nuisance by causing the removal of all wastes and solid wastes from the Property found to be the cause of the nuisance so declared by this Order.

DATED this 20 day of September, 2023.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: 
Casey Garrett, Chair

By: 
Kelle Jo Smith, Commissioner

By: 
Margaret Magruder, Commissioner

Approved as to form

By: 
Office of County Counsel