

NOTICE OF PUBLIC HEARING

This notice concerns a public hearing scheduled to consider the Appeal of a Notice of Violation described below.

Code Case File: CCPR1-2025-0003

This hearing has been rescheduled before one of the County's Hearings Officers on **Friday, September 11, 2026, at 1:00 p.m.** via virtual hearing. The hearing was originally scheduled to be held on May 29th, 2026, but was postponed. Virtual Hearing Instructions may be found at www.multco.us/landuse/public-notices.

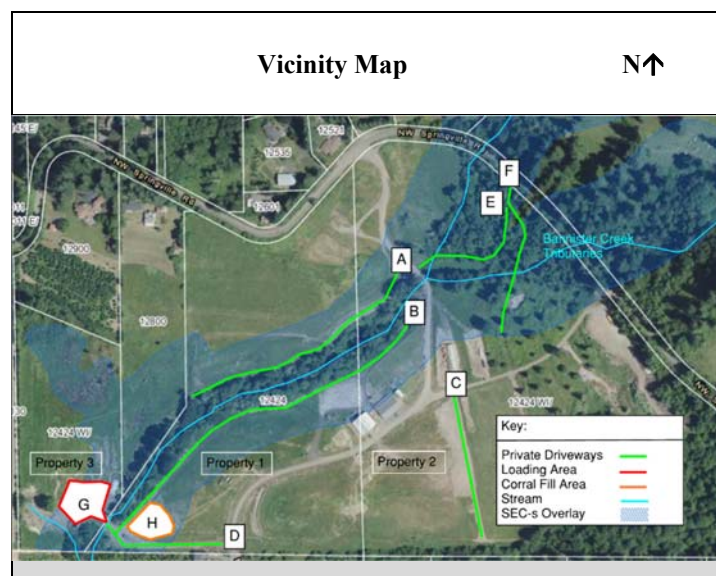
SUBJECT OF THE HEARING: Appeal of Notice of Violation – Unpermitted ground disturbing activity and unpermitted development within the Significant Environmental Concern Stream (SEC-s) overlay

LOCATION: 12424 NW Springville Rd, Portland, OR and adjacent properties

Map, Tax lot:	Alt. Acct. #
1N1W15C -00600,	R961150770,
1N1W16D -02800,	R961160130,
1N1W16D -03100	R961160590

APPELLANT: Scott Reed

OWNER(s): Scott and Stacy Reed



A copy of the Staff Report and all evidence submitted in support of the Notice of Violation are available at no cost by contacting LUP-hearings@multco.us or by visiting our website at www.multco.us/landuse/hearings-officer. Paper copies of all documents may be purchased at the rate of \$0.71/page.

- ❖ **PUBLIC PARTICIPATION AND HEARING PROCEDURES:** The County's procedures that will be used for this Hearing are attached.

This Hearing will be open to the public. Interested parties may contact our office to register for attendance and to testify virtually. Please provide your name, phone number, and email address either by phone to 503-988-3043 or by email to LUP-hearings@multco.us **no later than noon on Friday, September 11, 2026**. Please note: This is a rescheduled hearing. If you previously registered to attend or provide testimony for the originally scheduled hearing date of May 29, 2026, you will be automatically rescheduled to attend or provide testimony on September 11, 2026.

Interested parties may also submit written comment to our office. Please provide your name, mailing address and/or email address along with your written comment addressing the allegations in the Notice of Violation, including either support of or opposition to the Notice of Violation. Written comment may be submitted **prior to the close of the public record** by email to LUP-hearings@multco.us, or via U.S. mail to LUP Hearings 1600 SE 190th Ave Portland OR 97233, if received **no later than noon on the day the public record closes**. Please note: This is a rescheduled hearing. If you previously submitted written comment to our office for the originally scheduled hearing date of May 29, 2026, the comment has already been entered into the hearing record and does not need to be resubmitted.

The Hearings Officer may announce a decision at the close of the hearing or on a later date, or the hearing may be continued to a time certain. Written notice of the decision will be mailed to the hearing participants.

A decision by the Hearings Officer may be appealed by the appellant or any aggrieved party to the Oregon Circuit Court, or to the Land Use Board of Appeals if the Hearings Officer makes a land use decision.

- ❖ **APPLICABLE ENFORCEMENT CRITERIA** [Multnomah County Code (MCC)]:

Violations, Enforcement and Fines: MCC 39.1530 Notice of Violation, Abatement, Fine and Right to Appeal and 39.1550 Appeal.

Base Zone: MCC 39.4215 Exclusive Farm Use (EFU) Uses

Permit Requirements: MCC 39.6210 Ground Disturbing Activity and Stormwater – Permits Required, MCC 39.5510 Significant Environmental Concern (SEC) Overlays – Permits Required

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 39: Multnomah County Zoning Code** and at

<https://multco.us/landuse/comprehensive-plan> under the link **Multnomah County Comprehensive Plan**.

Attachments:

Notice of Violation

Multnomah County Procedures for Code Compliance Hearings

Notice to Mortgage, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

March 5, 2026

Scott and Stacy Reed (Owners/Respondents)
13305 NW Cornell Rd Ste C
Portland, OR 97229

Subject Property: 12424 NW Springville Rd, Portland, OR 97229
Map Tax Lot: 1N1W15C -00600, 1N1W16D -02800,
1N1W16D -03100
Alt. Tax Account #: R961150770, R961160130, R961160590

Zoning: Exclusive Farm Use (EFU)
Affected Overlay(s) Significant Environmental Concern – Stream (SEC-s)

Code Case #: CCPR1-2025-0003

Multnomah County	)
	) NOTICE OF CIVIL VIOLATION
v.	)
	) Zoning Violation CCPR1-2025-0003
Scott and Stacy Reed	)

I. **NATURE OF VIOLATION:** Respondents have engaged in the following activity relevant to this Notice of Civil Violation (NCV):

A. Ground Disturbing Activity

1. Respondents conducted or allowed to be conducted filling related to the development of four private driveways (A, B, C and D), a loading area (G), and ground preparation for a corral (H) in violation of MCC 39.6210.
2. MCC 39.6210 requires a permit for all ground disturbing activities, including filling and excavation, unless exempt.
3. Filling related to farming practice is not exempt from permit requirements for ground disturbing activity. MCC 39.6215(F).
4. Respondents assert that the development of the private driveways, the loading area, and ground preparation for a corral are farming practices.
5. Respondents engaged in filling, which is not exempt under MCC 39.6215(F), even if done in support of farming practices.

6. Respondents do not have a permit authorizing ground disturbing activity.

B. Significant Environmental Concern – Stream (SEC-s)

1. Respondents conducted or allowed to be conducted excavation, filling or a combination thereof related to the development of five private driveways (A, B, D, E and F), a loading area (G), and ground preparation for a corral (H) within the SEC-s overlay of the subject properties in violation of MCC 39.5510.
2. MCC 39.5510 requires a permit for development within SEC overlays, including the SEC-s overlay, unless exempt.
3. Within the Metro 2009 jurisdictional boundary, an SEC-s permit is required for development associated with farm practices and agricultural uses other than agricultural fences. MCC 39.5515(B)(2).
4. The subject properties are located within the Metro 2009 jurisdictional boundary.
5. Respondents assert that the development of the private driveways, the loading area, and ground preparation for a corral are farming practices.
6. Respondents engaged in development within the SEC-s consisting of excavation, filling or a combination thereof, which is not exempt under MCC 39.5515(B)(2), even if done in support of farming practices.
7. Furthermore, change, alteration, or expansion of a lawfully established use that increases ground coverage in excess of 400 square feet is not exempt from SEC-s permit requirements. MCC 39.5515(A)(4)(b).
8. Activities that change the size, scope and configuration of a roadway or driveway beyond the original design are not “maintenance” exempt from SEC permit requirements. MCC 39.5515(A)(9); MCC 39.2000.
9. Respondents claim to be conducting maintenance of existing farm roads.
10. Respondents engaged in development of driveways that increased the ground coverage of any existing roads within the SEC-s overlay of the subject properties in excess of 400 square feet, which is not exempt under MCC 39.5515(A)(4)(b).
11. Respondents do not have a permit authorizing development within the SEC-s overlay.

II. **CIVIL FINES:** Pursuant to MCC 39.1560 and, as applicable, MCC 39.1545 and 39.1550, the following civil fines will be recommended to a County Hearings Officer for imposition on Respondent based on the activity described in Section 1:

- A. **CONTINUING CIVIL FINE** of **\$525.⁰⁰ per day (the total of two daily civil fines of \$210.⁰⁰ and \$315.⁰⁰)** beginning on the date of the Hearings officer Final Order and continuing until the violations are corrected,

except that the civil fine shall not accrue from the time that an application seeking to resolve the below violations is received by the Land Use Planning office and until a written determination is made on that application or the application is withdrawn by the applicant.

- B. The acts described in Section I of this NOV constitute a violation of MCC 39.6210 (requiring a permit for ground disturbing activity) and MCC 39.5510 (requiring a permit for development within Significant Environmental Concern overlays).

NOTE: Payment of the civil fines does not relieve you of the requirement to correct the violations. MCC 39.1530(B).

III. **COMPLIANCE ACTIONS:** Pursuant to MCC 39.1530 and, as applicable, MCC 39.1545 and 39.1550, the following actions will be recommended to a County Hearings Officer for inclusion in a final order requiring Respondents' compliance:

- A. **Immediately** cease all unpermitted development, including ground disturbing activity and development within the SEC-s overlay, until such time that an application for the necessary permits is approved by the County.
- B. Of the following:
1. Submit to the Land Use Planning office an application seeking approval for the ground disturbing activity and development within the SEC-s overlay.
- OR-
2. Remove all earthen and non-earthen materials deposited on the subject properties in order to develop the four private driveways, the loading area, and ground preparation for a corral, and return the properties to their pre-development condition.
- C. Of the following:
1. If the required permit application(s) are approved: Complete all work and conditions of approval required by the permit application approval in the timeline specified by the approval.
- OR-
2. If the required permit application(s) are not approved and you have either accepted the decision or have utilized all appeal rights provided by relevant code and statute, then the following needs to be undertaken: **Within 15 days of the final decision**, schedule and attend a meeting with staff from the Code Compliance and Land Use Planning offices to discuss the options available for moving forward with the resolution of this compliance case.

- IV. **APPEAL RIGHTS:** Pursuant to MCC 39.1530 and MCC 39.1550, **you may appeal** this Notice of Civil Violation to a County Hearings Officer. To appeal, you must complete and return the enclosed Notice of Violation Appeal form together with payment of the \$250.⁰⁰ appeal fee payable to “Multnomah County” **within 14 days of** the date of this notice to:

Code Compliance
Land Use Planning Division
1600 SE 190th Avenue
Portland, OR 97233

If you do not appeal, the Multnomah County Code Compliance Specialist will forward this Notice to the County Hearings Officer pursuant to MCC 39.1545 for review and final determination of the validity of the alleged violations and any civil fine and other recommended actions.

IT IS SO ORDERED:
MARGI BRADWAY, DIRECTOR OF MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES

Megan Gibb

Megan Gibb
Planning Director
Land Use Planning Division

Enclosures:

Fine Calculation Form
Appeal of Notice of Violation Form
Map of Violations

Multnomah County Procedures for Land Use and Transportation Code Compliance Hearings

A code compliance hearing is triggered by an appeal of a Notice of Violation.

Notice of Appeal MCC 39.1530(C)

“An appeal, if any, from a Notice of Violation shall be made in accordance with MCC 39.1550(A) and by submitting to the Code Compliance Specialist (CCS) a written request for an appeal hearing together with the appeal fee indicated in the Notice of Violation within 14 days of the date of service of the Notice of Violation.”

Persons Authorized to Appeal Notice of Violation MCC 39.1550(A)

- (1) “The Notice of Violation may be appealed by the respondent, owner of the subject property, the property owner’s representative or other person who has been included as part of the Notice of Violation.”
- (2) “A representative of the property owner must have documentation demonstrating that they are an authorized agent of the property owner.”

Notice of Hearing MCC 39.1550(B)

- (1) “The notice shall contain the time, date, and place of the hearing. A copy of the Notice of Violation and a description of the appeal process and associated rights shall be attached to the notice.”
- (2) “Notice shall be served on the respondent and property owner, if different, by personal service or certified mailed, return receipt requested at least 15 days prior to the hearing date. Notice is considered complete on the date of personal delivery or upon deposit in the U.S. mail. Notice will also be provided to surrounding properties within 750 feet of the subject property, complainant if known and other known interested parties who have made a written request for notice. Written notice includes email and faxes in addition to surface mail or hand-delivered documents.”
- (3) “Failure of any person to receive notice properly given shall not invalidate or otherwise affect the proceedings under this Enforcement Code.”

Staff Report and Case Exhibits

- (1) The Planning Director shall prepare a staff report on the Notice of Violation which describes the property ownership, case background, the alleged violations, calculation of civil penalty, staff recommendations for Hearings Officer, and case exhibits list.

- (2) The staff report and case exhibits will be prepared and made available online to the public on the same date as Notice of Hearing.

Appeal Hearing

- (1) “Hearings to determine whether a violation has occurred shall be held before the Hearings Officer. The County must prove the violation alleged by a preponderance of the evidence.” MCC 39.1550(C)(1).
- (2) At the beginning of the public hearing, a statement shall be announced to those in attendance, that:
 - (a) The County must prove all violations alleged by a preponderance of the evidence;
 - (b) The hearing will proceed in the following general order: staff report, appellant’s presentation, testimony in favor of the Notice of Violation, testimony in opposition to the Notice of Violation, staff response, appellant rebuttal, record closes, deliberation and decision;
 - (c) All testimony and evidence submitted, orally or in writing, must be directed toward the allegations in the Notice of Violation. The Hearings Officer may reasonably limit oral presentations in length or content depending upon time constraints. Any person may submit written materials of any length while the public record is open;
 - (d) Failure to raise an issue on the record, with sufficient specificity and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue, may preclude appeal on that issue;
 - (e) Any person wishing a continuance or to keep open the record must make that request while the record is still open;
 - (f) The Hearings Officer shall disclose any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item and provide an opportunity for challenge. Advised parties must raise challenges to the procedures of the hearing at the hearing and raise any issue relative to ex parte contacts, conflicts of interest or bias, prior to the start of the hearing.
- (3) The Hearings Officer may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the Hearings Officer establishes a time certain and location for the continued hearing. Similarly, the Hearings Officer may close the hearing but keep open the record for at least 7 days for the submission of additional written material or other documents and exhibits. The Hearings Officer may limit the factual and legal issues that may be addressed in any continued hearing or open-record period.

- (4) After the record is closed to all parties, the appellant is entitled to ask for an additional 7 days to submit final written arguments before the Hearings Officer renders a decision.

Procedural Objections

Any party who objects to the procedure followed in a code compliance proceeding must make a procedural objection prior to the Hearings Officer rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

Hearings Officer Final Order

“The Hearings Officer’s order shall be in writing and may be accompanied by an opinion.” MCC 39.1550(C)(3).

If the Hearings Officer affirms the Notice of Violation, “The Hearings Officer shall set a time within which the respondent must comply. The order may require the respondent to do any of the following:

- (a) Obtain any and all necessary permits, inspections and approvals;
- (b) Install any equipment necessary to achieve compliance;
- (c) Make any and all necessary repairs, modifications, and/or improvements to the structure, real property, or equipment involved;
- (d) Reimburse the County for actual costs of remediation, its reasonable administrative costs, as well as its attorney fees and costs for its enforcement actions, including appeals;
- (e) Pay a civil fine for the violation and any fees and costs to the County;
- (f) Pay a reduced fine;
- (g) Undertake any other action reasonably necessary to remedy the violation.” MCC 39.1550(2).

If the Hearings Officer does not affirm the Notice of Violation, the violations will be dismissed and the Code Case closed.

Calculation of Civil Fine(s) MCC 39.1560

“Violations as defined in MCC 39.1510 may be subject to fines and liens. Fines may be assessed for each violation each day.

- (A) The maximum fines per violation shall not exceed \$3,500 for each day of noncompliance; the minimum fine per violation shall not be less than \$45 for each day of noncompliance.
- (B) The Director shall set criteria for determining the fines, appeal fees and administrative fees as appropriate.” The criteria for calculation of civil fines are outlined under Rule 4.2 of the Multnomah County Enforcement Code Administrative Rules.

Appeal of Final Order MCC 39.1565

Review of the final order of a Hearings Officer under this subchapter by any aggrieved party shall be by writ of review as provided in ORS 34.010 through 34.100, unless the Hearings Officer makes a land use decision, in which case the land use decision may be reviewed by the Land Use Board of Appeals pursuant to ORS Chapter 197. Any appeal of a Hearings Officer decision in the National Scenic Area may be reviewed by the Columbia River Gorge Commission.

Enforcement of Hearings Officer Order MCC 39.1555

- (A) “Fines, fees and costs are payable on the effective date of the order and are a debt owed to the County, under ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines, fees or costs are not paid within 60 days after payment is ordered, the County may file and record the order in the County Clerk Lien Record.”
- (B) “The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgment for any civil fine, fees or costs imposed by such order.”