

Staff Report for Hearings Officer Review

Evidence and Supporting Documents for Notice of Violation

Code Case #: CCPR1-2025-0003

Subject Properties:

Property 1	
Address	12424 NW Springville Rd, Portland, OR 97229
Legal Description	SECTION 16 1N 1W, TL 2800, SPLIT MAP R501639 (R961150770)
Alt Acct #	R961160130
Size	22.27 acres

Property 2	
Address	Vacant Property adjacent to 12424 NW Springville Rd, Portland, OR 97229
Legal Description	SECTION 15 1N 1W, TL 600, SPLIT MAP R324300 (R961160130)
Alt Acct #	R961150770
Size	54.49 acres

Property 3	
Address	Vacant Property adjacent to 12424 NW Springville Rd, Portland, OR 97229
Legal Description	SECTION 16 1N 1W, TL 3100
Alt Acct #	R961160590
Size	7.67 acres

Affected Zoning: Exclusive Farm Use (EFU)

Affected Overlay: Significant Environmental Concern – Stream (SEC-s)

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

I. STAFF SUMMARY

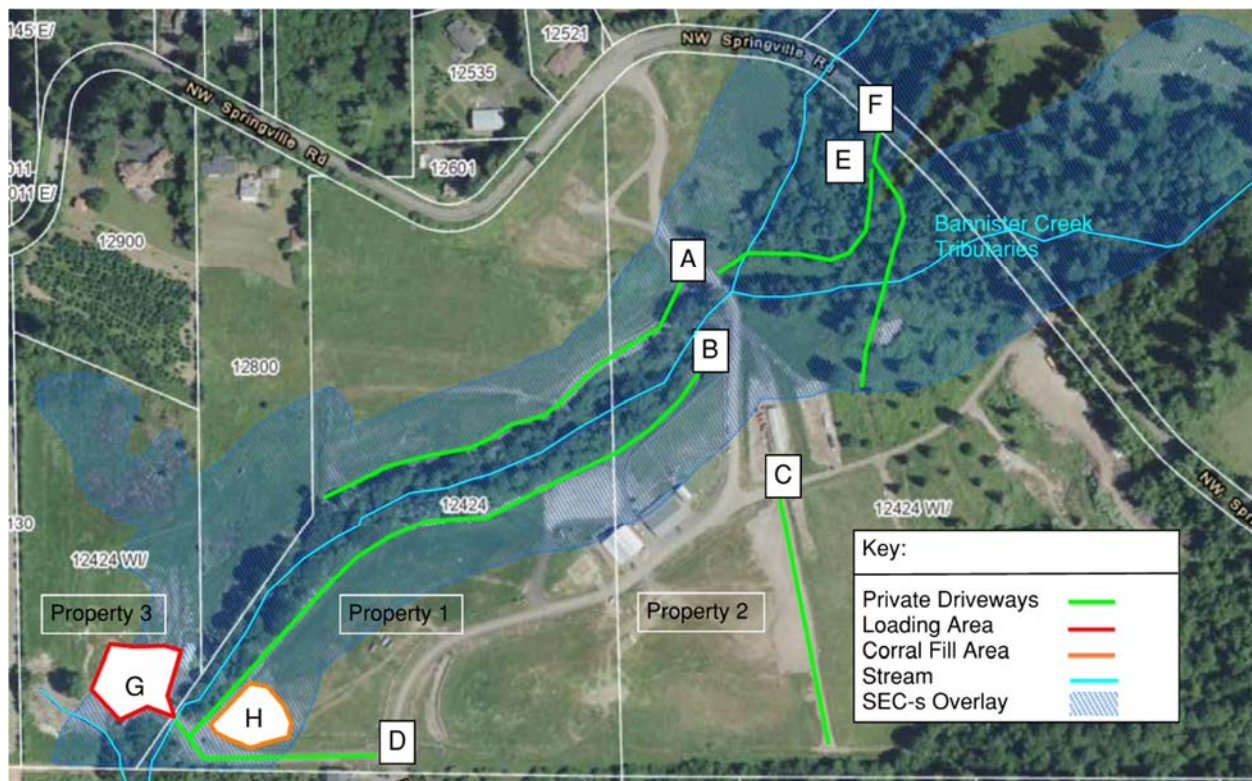
Code Case CCPR1-2025-0003 concerns a Notice of Violation (NOV) issued to Scott and Stacy Reed on March 5, 2026 for alleged violations of Multnomah County Code (MCC or Code).

The NOV alleges violations of MCC 39.6210 (requiring a permit for ground disturbing activity) and MCC 39.5510 (requiring a permit for development within the Significant Environmental Concern – Stream (SEC-s) overlay) due to unpermitted development of six private driveways, a loading area, and filling prior to corral placement within the SEC-s overlay of the three subject properties (collectively, the Properties).

The specific development activities are as follows:

- a) Excavation, filling, and depositing of earth and non-earth materials related to development of private driveways A, B, C and D on properties 1, 2, and 3;
- b) Excavation related to development of private driveways E and F on property 2;
- c) Excavation, filling, and depositing of earth and non-earth materials related to development of a loading area (G) on property 3; and
- d) Filling consisting of earth in preparation for corral placement (H) on property 1.

Map of Violations and SEC-s Overlay



Activities related to the development of private driveway C did not occur within the SEC-s overlay (depicted in blue hatch in the map above) of the Properties. Therefore, the NOV only alleges a violation of MCC 39.6210 for those activities.

Respondents assert that development of the private driveways on the Properties was maintenance of existing farm roads (Ex. D.1). As discussed below, excavation is apparently exempt from the requirement for a ground disturbing activity permit pursuant to MCC 39.6215(F) (exempting farming practices other than filling or the placement of structures). Therefore, the NOV only alleges a violation of MCC 39.5510 for excavation related to development of the private driveways.

This staff report is forwarded to the Hearings Officer for review and determination. Pursuant to MCC 39.1550, the Land Use Planning Director (LUP Director) is seeking affirmation of the NOV, imposition of civil fines, an Order for Respondents to cease unpermitted ground disturbing activity and unpermitted development within the SEC-s overlay and to take corrective actions, and reimbursement of the County's reasonable administrative costs and costs for its enforcement actions, including appeals.

II. STAFF FINDINGS

A. Property Ownership

Scott and Stacy Reed are listed in the Multnomah County tax assessment records as the owners of the Properties from June 23, 2014, to present (Ex. B.2). In addition to being the property owners, per MCC 39.1505, Scott and Stacy Reed are also the Respondents in this matter as the persons alleged to have committed the violations or to be responsible for the violations set forth in the NOV.

B. Case Background

1. On May 19, 2025, Multnomah County received community-generated complaint CCINT-2025-0019 (Complaint 1) alleging unpermitted importation of fill material (Ex. A.1). The complaint included four photos showing a dump truck and an excavator appearing to distribute dirt on the Properties as evidence of the allegations (Ex. A.1).

On May 30, 2025, a co-complainant submitted via email additional concerns about possible violations based on Google Earth images. The allegations stated that Google Earth showed:

“...many piles of fill being deposited along a roadway towards the lower right corner of the image. ... I can't tell what the piles of white material are, but there is some kind of earth moving equipment (backhoe?) shown. There is considerable earth movement and possibly the addition of fill at the upper Springville entrance to the property (pan to the right in the Google Earth image) in the last 6 months. There are also piles of white ru [sic] that area... Aerial photos of the Reed property last summer appear to show a very dark material as well as piles of what might be concrete rubble being deposited on what might be new roadway adjacent to a creek on the property, shown in this photo. Is this within the riparian corridor?...” (Ex. A.3).

2. On June 3, 2025, the CCS conducted a document investigation that included a review of the Multnomah County permit history of the Properties (Ex. B.3). The CCS found that three permits allowing importation of fill material and other ground disturbing activity had been previously approved for the Properties; however, none of the three permits were still in effect at the time that Complaint 1 was made (Ex. B.4-6).

In addition, a review of Google Earth aerial images from 2013 through 2025 showed evidence of development of three private driveways (A, B and D)

and two disturbed areas (loading area G and fill area H) within the SEC-s overlay of the Properties (Ex. B.7-B.12). The aerial images also showed evidence of development of another private driveway (C) outside the SEC-s overlay. The foregoing development was not included in the approved plans for the prior permits, and therefore is not covered by those permits (Ex. B.4, page 5; Ex. B.5, pages 5-9, Ex. B.6, page 14).

In the Document Investigation Report, the CCS concluded that the alleged ground disturbing activity and development within the SEC-s overlay was unpermitted. The CCS requested an offsite inspection from the public right-of-way to further assess the allegations. (Ex. B.13).

3. On June 03, 2025, Robert Hyde, Code Compliance Inspector (CCI), conducted a site inspection from several locations adjacent to the Properties. In his report, the CCI documented several dump trucks entering the Properties carrying loads of what appeared to be dirt (Ex. B.14, photographs 9287-9294).

The CCI also reported an area on the south end of property 1 within the SEC-s overlay where active development was occurring. The CCI described seeing deposited dirt piles and heavy equipment consisting of a bobcat and a mini excavator. Photographs taken during the inspection show the southwest corner of property 1, where approximately 4 feet of earth fill material was deposited, increasing both the elevation and grade of the land within that portion of property 1 (Ex. B.14, photographs 9296-9299).

4. On June 05, 2025, after reviewing the staff investigation file, the LUP Director determined that there was evidence of development in the form of active ground disturbing activity occurring on the Properties, both within and outside of the SEC-s overlay; that no permit was in effect authorizing the development; and that the development was not exempt from all ground disturbing activity and SEC overlay permit requirements. Based on this determination, the investigation of Complaint 1 concluded, and Code Case CCPR1-2025-003 was opened (Ex. C.1).
5. Due to the evidence of unpermitted development within the SEC-s overlay, a Stop Work Order (SWO) was issued pursuant to MCC 30.1540 and posted to accesses to the Properties adjacent to NW Springville Rd and NW Redfox Dr. The SWO required immediate cessation of all unpermitted ground disturbing activity within a protected environmental overlay, immediate cessation of unpermitted importation of fill material to the subject properties, and immediate cessation of unpermitted excavation (Ex. C.2). At the time that the SWO was placed on June 05, 2025, the CCI did not observe any ongoing development (Ex. B.15).
6. On June 12, 2025, a Request for Voluntary Compliance (RVC) notice was issued to the Respondents. The RVC provided follow-up to the SWO, outlined the alleged Code violations, reiterated the requirement that the unpermitted development cease, and provided the Respondents with an opportunity to voluntarily resolve the alleged Code violations through voluntary corrective action (Ex. C.3).

7. On June 24, 2025, the CCS held a phone conversation with Respondent Scott Reed. During the conversation, Respondent indicated that he had removed the SWO signage from both accesses, but the development described in the SWO had not resumed. He also reported that the stockpiles of fill material shown in the photographic evidence of the RVC had already been distributed on the property and did not require further management to control erosion or sedimentation. Respondent indicated that the work observed by the CCI on June 03, 2025 in the southwest corner of property 1 was being done in preparation for placement of a larger stock corral, in an area where a prior corral had been in place. Respondent further indicated that any work that had occurred on roadways on the Properties was maintenance of existing farm roads.

In a follow-up email on June 24, 2025, Respondent submitted aerial images of the Properties from 1936 and 1947 as evidence that farm roads were in place within the SEC-s overlay on the subject properties prior to SEC overlay permit requirements, which were adopted under ordinance 801 in 1994 (Ex. B.27). The submitted photos appear to show partial dirt tracks on properties 1 and 3 within the vicinity of current private driveways A and B (Ex. D.2 - D.3).

8. On July 17, 2025, Respondent Scott Reed attended a virtual meeting with Land Use Planning (LUP) staff, Alexandra Howard and Ann Shank-Root, as well as the CCS. During that meeting, LUP confirmed that the corral structure itself would be considered a fence, and therefore, would be exempt from SEC-s permit requirements per MCC 39.5515(B)(2) (stating that agricultural fences shall not require an SEC-s permit). However, LUP further stated that depositing of fill material prior to construction of the corral was not subject to that exemption. Respondent shared two additional aerial images from 1958 and 1984 with LUP and the CCS, as evidence of existing development on the properties. The photos appear to show further extension of the dirt tracks on properties 1 and 3 to the south (Ex. D.5-D.6) in comparison to the 1936 and 1947 aerial photos submitted by Respondent on June 24, 2025 (D.2-D.3).
9. On July 24, 2025, Multnomah County received an additional community-generated complaint CCINT-2025-0028 (Complaint 2) alleging unpermitted installation of a driveway off NW Springville Rd. The complaint included photo evidence to support the allegation, consisting of three photos showing what appears to be a recently excavated driveway within a wooded hillside. The excavation was determined to be recent based on the color of the earth material and lack of vegetation seen in the photos (Ex. A.4).
10. On August 28, 2025, the CCS conducted a Document Investigation that included a review of the current Multnomah County permit history of the subject properties (Ex. B.17).

The CCS found that Transportation right-of-way permit ROW-GEN-2024-0028, issued on September 11, 2024, approved three accesses from NW

Springville Rd to the Properties. The driveway being investigated was represented as #2 North on the approved site plan for permit ROW-GEN-2024-0028 (Ex. B.18).

Although Transportation right-of-way permit ROW-GEN-2024-0028 approved an access within the right-of-way of NW Springville Rd from property 2, the permit does not provide LUP authorization for excavation inside the boundary of the property.

The CCS found that two additional ESC permits: T1-2024-0058 (ground disturbing activity related to a new farm dwelling) and T1-2025-0014 (ground disturbing activity related to a new agricultural building) had been issued by Land Use Planning for the subject properties in August 2025. However, the foregoing development was not included in the plans for the those permits, and therefore is not covered by those permits (Ex. B.19, page 19 and Ex. B.20, page 7).

12. On September 02, 2025, the CCI conducted a site inspection from the public right-of-way of NW Springville Rd. In the inspection report, the CCI documented findings of recent excavation seen as disturbed areas with clear cuts and dark soil to create an access and interior driveway off of NW Springville Rd. Photos taken during the inspection support these findings (Ex. B.23).

The CCI also conducted further inspection of the subject properties to assess the status of the corrective actions outlined in the CCPR1-2025-0003 RVC (Ex. C.3). In the inspection report, the CCI noted that there did not appear to be ongoing development within the areas described in the RVC (Ex. B.24).

13. On September 18, 2025, after reviewing the staff investigation file, the LUP Director determined that there was evidence of additional unpermitted development on property 2 that was not previously outlined in the SWO or RVC notices. The development consisted of ground disturbing activity, including excavation, within the SEC-s overlay in order to develop private driveways E and F. The LUP Director found that no land use permit had been issued that authorized the development, and that the development was not exempt from SEC-s overlay permit requirements (Ex. C.4). Based on this determination, the investigation of Complaint CCINT-2025-0028 concluded and the newly identified violations were incorporated into existing Code Case CCPR1-2025-0003.
14. On February 6, 2026, Multnomah County issued a Request for Inspection (RFI) letter to the Respondents in order to investigate several recent community-generated complaints that were submitted to the Code Compliance office, and to also determine the status of violations outlined in the RVC on June 12, 2025. The Respondents declined to schedule an inspection by the February 20, 2026 deadline outlined in the RFI. Therefore, the LUP Director determined that a NOV would be issued based on all available evidence absent the requested site inspection. Of note, the more recent allegations outlined in the RFI are still under investigation, and are not included in the NOV.

C. MCC Permit Requirements

1. Ground Disturbing Activity

- a. Under MCC 39.6210(A), no ground disturbing activity, unless exempt, shall occur except pursuant to a permit.
- b. “Ground disturbing activity” is any excavating or filling or any combination thereof. MCC 39.2000.

“Excavation” is the motorized removal of earth material or other motorized activity resulting in the exposure of the ground surface, including, but not limited to, cutting, digging, grading, stripping, trenching, dredging, bulldozing, benching, terracing, mining or quarrying, and vegetation or tree removal. Work conducted by hand without the use of motorized equipment is not excavating. MCC 39.2000.

“Fill” is the deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking materials such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling. For the purposes of this code, fill does not include materials included in a design by a registered professional engineer to physically support and/or protect a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. MCC 39.2000.

“Earth materials” are any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste). MCC 39.2000.

- c. As relevant here, certain farming practices are exempt from ground disturbing activity permit requirements. Under MCC 39.6215(F), “farming practices other than filling or placement of structures” are exempt from Minimal Impact Project and Erosion and Sediment Control Permit requirements.

2. SEC-s Overlay

- a. Under MCC 39.5510(A)(1), except as provided in MCC 39.5515 and 39.5525, an SEC overlay permit is required for all development within the SEC overlays, including but not limited to the location, design, change, replacement, or alteration of any use or structure.
- b. “Development” specific to the SEC overlays, is any human-made change defined as buildings or other structures, mining, dredging,

paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in the Riparian Area on a lot or parcel. MCC 39.5520

- c. As relevant here, under MCC 39.5515(A), an SEC overlays permit shall not be required for:

- “(4) Change, alteration, or expansion of a lawfully established use or structure provided that:

- ***

- (b) Within the *** SEC-s, there is no change to, or alteration or expansion of, the structure’s or a driveway’s ground coverage in excess of 400 square feet. With respect to expansion, this exception does not apply on a project-by-project basis, but rather applies on a cumulative basis to all expansions after the issuance of the original permit for the construction of the structure.

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- e. As relevant here, under MCC 39.5515(A), an SEC overlay permit shall not be required for:

- (9) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and landscaped areas that are lawfully established[.]”

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- f. “Maintenance” is an activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included. MCC 39.2000.

- g. As relevant here, under MCC 39.5515(B), “[f]arm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory to a farm use do not require an SEC permit except in the following situations:

- (2) Within Metro’s 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except that agricultural fences shall not require an SEC-s permit.”

D. Description of Violations

1. **MCC 39.6210 – Ground Disturbing Activity Permit**

Filling related to the development of private driveways A, B, C and D, loading area G, and ground preparation for corral placement in fill area H is in violation of MCC 39.6210.

MCC 39.6210 requires a permit for all ground disturbing activities, including filling and excavation, unless exempt. Per MCC 39.6215(F), filling is not exempt from the MCC 39.6210 permit requirement.

Respondents assert that the development of the private driveways on the Properties was maintenance of existing farm roads (Ex. D.1). Respondents also assert that development of the ground on property 1 was in preparation for placement of a corral for livestock (Ex. D.1). Last, on the site plan for ESC permit T1-2025-0014, Respondents assert that the loading area on property 3 is an existing gravel loading area that will provide access to a future agricultural building (Ex. B.20, page 7).

Respondents engaged in filling activity outlined below, which is not exempt from ground disturbing permit requirements under MCC 39.6215(F), even if done in support of farming practices. Specifically:

- Soil and/or rock was deposited to driveway A in May 2021 (Ex. B.8, page. 7); and
- Soil was deposited to driveway B in June 2022 (Ex. B.9, page 8), May 2023 (Ex. B.9, page 7), August 2023 (Ex. B.9, page 4), April 2024 (Ex. B.9, page 3), and November (Ex. B.9, page 2);
- Soil was deposited to driveway C in June 2022 (Ex. B.10, page 4), August 2023 (Ex. B.10, page 3), April 2024 (Ex. B.10, page 2), June 2025 (Ex. B.14, photos 9284, 3285, and 9295), and July 2025 C (Ex. B.16, photos 9522 and 9525); and
- Soil was deposited to driveway D in June 2022 (Ex. B.11, page 5); and
- Soil was deposited to loading area G in June 2022 (Ex. B.12, page 6) and September 2025 (Ex. B.24, photo 0074); and
- Soil was deposited to fill area H in August 2023 (Ex. B.12, page 4), July 2024 (Ex. B. 12, page 3), November 2024 (Ex. B.12, page 2), and June 2025 (Ex. B.14, photos 9296-9299).

Because filling is not exempt under MCC 39.6215(F) and Respondents did not obtain a permit for ground disturbing activity, the above activities are in violation of MCC 39.6210.

2. **MCC 39.5510 – SEC Overlay Permit**

Filling, grading, excavation, and deposit of non-earth materials related to the development of private driveways A, B, D, E and F, loading area G, and ground preparation for corral placement in fill area H is in violation of MCC 39.5510.

MCC 39.5510 requires an SEC overlay permit for all development, including filling and excavation activities in excess of ten (10) cubic yards within the SEC overlays, unless exempt. The development of private driveways A, B, D, E and F, loading area G, and ground preparation for corral placement in fill area H occurred within the SEC-s overlay.

The depositing of non-earth materials in lieu of earth fill materials is not listed as a permissible use under MCC.

Per MCC 39.5515(A), an SEC overlay permit is not required for: “a change, alteration, or expansion of a lawfully established use provided that the ground coverage is not increased by more than 400 square feet; or routine repair and maintenance of roadways and driveways areas that are lawfully established.” Under MCC 39.2000, “maintenance” does not include activities that change the size, scope and configuration beyond the original design.

Per MCC 39.5515(B), within Metro’s 2009 jurisdictional boundary, an SEC-s permit is required for agricultural development associated with farm practices and agricultural uses, except agricultural fences. Based on Metro’s jurisdictional boundary map, the Properties are located within the Metro 2009 jurisdictional boundary (Ex. B.28).

a. **Private Driveways A and B**

As above, Respondents assert that the development of the private driveways was maintenance of existing farm roads (Ex. D.1). Dirt tracks are apparent in the same location as private driveways A and B in historic aerial images provided by the Respondent (Ex. D.2-D.3 and D.4-D.5) and in 1994 aerial images (Ex. B.8, page 12 and Ex. B.9, page 14) when SEC permit requirements were adopted by Multnomah County (Ex. B.27). However, the following additional development occurred between 1994 and 2025 that affected the size, scope and configuration of the driveways:

- Driveway A was excavated in August 2020 (Ex. B.8, page 8); soil, rock, concrete debris and chipped asphalt were deposited in May 2021 (Ex. B.8, page. 7); and additional concrete was deposited in May 2023 (Ex. B.8, page 5). That development increased the surface area of driveway A within the SEC-s overlay from approximately 7,760 square feet in 1998 (the first land use map available when the SEC-s overlay can be applied for measurement) to 18,373 square feet in 2025; **a difference of 10,613 square feet** (Ex. B.25, page 1-2). Multnomah County has not been allowed access to the Properties to conduct an onsite engineering review to determine the depth of the fill and/or excavation. Therefore, we will be applying a 1-inch depth estimate for all volume calculations. This estimate is based on what the County believes is a reasonable minimum depth of disturbance. Assuming an average depth of 1 inch of excavation and/or deposit of material across the developed area of driveway A, the total volume of material moved is **33 cubic yards** (Ex. B.25, page 1).

- Driveway B was excavated between August 2020 (Ex. B.9, page 10) and June 2022 with deposits of soil on the latter date (Ex. B.9, page 8), as well as deposits of soil and concrete in May 2023 (Ex. B.9, page 7), soil in August 2023 (Ex. B.9, page 4), and soil, concrete and asphalt in April 2024 (Ex. B.9, page 3) and November 2024 (Ex. B.9, page 2). That development increased the surface area of driveway B within the SEC-s overlay from approximately 28,932 in 1998 to 36,346 in 2025; **a difference of 7,414 square feet** (Ex. B.25, pages 1-2). Assuming an average depth of 1 inch of excavation and/or deposit of material across the developed area of driveway B, the total volume of material moved was **23 cubic yards** (Ex. B.25, page 1).

Because the excavated and/or deposited volume of private driveways A and B is in excess of 10 cubic yards, the development of each driveway is consistent with development within an SEC overlay per MCC 39.5520, and subject to SEC permit requirements. That development is not exempt from SEC permit requirements under MCC 39.5515(A) because it resulted in increased ground coverage of each driveway in excess of 400 square feet and altered the size, scope and configuration of the driveways. Since the Respondents did not obtain an SEC permit prior to development, the unpermitted development of driveways A and B within the SEC-s overlay is in violation of MCC 39.5510.

Further, because Respondents deposited concrete within excavated areas of private driveways A and B, and because concrete is a non-earth material that does not qualify as fill under MCC 39.2000, Respondents should be required to propose and gain approval for a permissible use under MCC for those materials or remove them from the disturbed areas within the SEC-s overlay.

b. Private Driveways D, E and F

There is no evidence that private driveways D, E and F existed prior to the adoption of SEC permit requirements in 1994. Driveway D is first apparent in aerial photos from 2022 showing development through deposits of dirt and crushed asphalt and excavation (Ex. B.11, page 5). As of 2025, the disturbed area of driveway D was **12,319 square feet**. Assuming an average depth of 1 inch of excavation and/or deposit of material across the developed area of driveway B, the total volume of material moved was **38 cubic yards** (Ex. B.25, page 1).

A dirt track is first visible in a 2006 aerial photo within the general vicinity of private driveway E and within a portion of driveway F (Ex. B.21, page 6). Following excavation in 2025, the disturbed area of driveway E was **9,655 square feet** and the disturbed area of driveway F was **17,953 square feet** (Ex. B.25, pages 1-2). Assuming an average depth of 1 inch of excavation across the developed area of driveway E, the total volume of material moved was **30 cubic yards** (Ex. B.25, page 1). Likewise, the total

volume of material moved for development of driveway F was **55 cubic yards** (Ex. B.25, page 1).

Because the excavated and/or deposited volume of private driveways D, E and F is in excess of 10 cubic yards, the development of each driveway is consistent with development within an SEC overlay per MCC 39.5520, and subject to SEC permit requirements. Furthermore, because the driveways did not exist prior to the adoption of SEC permit requirements, the driveways do not qualify for exemption under MCC 39.5515(A). As such the unpermitted development of private driveways D, E and F within the SEC-s overlay is in violation of MCC 39.5510.

c. **Loading Area G**

Respondents assert that loading area G is an existing gravel loading area that will provide access to a future agricultural building (Ex. B.20, page 7). Based on available aerial photos, loading area G did not exist in 1994 when SEC permit requirements were adopted (Ex. B.12, pg. 10). Rather, evidence shows that loading area G was developed through excavation, filling with earth materials, and depositing of non-earth materials including concrete, wood and chipped asphalt from approximately June 2022 (Ex. B.12, page 6) to September 2025 (Ex. B.24, photo 0074). In 2025, the disturbed area of loading area G was **26,430 square feet** (Ex. B.25, pages 1 and 3). Assuming an average depth of 1 inch of excavation and/or deposit of material across the developed area of loading area G, the total volume of material moved was **82 cubic yards** (Ex. B.25, page 1).

Because the loading area consists of greater than 10 cubic yards of excavated and/or deposited materials, it is considered development within an SEC overlay per MCC 39.5520, and subject to SEC permit requirements. Excavation and filling in order to develop a loading area are not exempt from SEC-s permit requirements per MCC 39.5515. Respondents did not obtain an SEC permit prior to development of the loading area. Therefore, the unpermitted development of loading area G through filling and excavation activity within the SEC-s overlay is in violation of MCC 39.5510.

Further, because Respondents deposited concrete within excavated areas of loading area G, and because concrete is a non-earth material that does not qualify as fill under MCC 39.2000, Respondents should be required to propose and gain approval for a permissible use under MCC for the material or remove it from the disturbed area within the SEC-s overlay.

d. **Fill Area H**

Respondents assert that the development of the corral can occur without an SEC-s permit because the corral is an agricultural fence (Ex. D.1), and agricultural fences are exempt from SEC-s permit requirements per MCC 39.5515(B)(2). LUP agrees that a corral would not require an SEC-s permit prior to placement. However, Respondents also engaged in filling in order to prepare the ground for corral placement in August 2023 (Ex. B.12, page

4), July 2024 (Ex. B. 12, page 3), November 2024 (Ex. B.12, page 2), and June 2025 (Ex. B.14, photos 9296-9299). In 2025, the disturbed area of fill area H was **13,183 square feet** (Ex. B.25, page 1 and 3). Assuming an average depth of 1 inch of deposit of material across the developed area of fill area H, the total volume of material moved was **41 cubic yards** (Ex. B.25, page 1). The volume of fill material in area H exceeded 10 cubic yards and, therefore, meets the definition of development within the SEC overlay requiring a permit per MCC 39.5510. The exception for agricultural fences listed under 39.5515(B)(2) does not apply to filling prior to placement of an agricultural fence. Respondents did not obtain an SEC permit prior to depositing fill within fill area H. As such, ground preparation consisting of filling prior to corral placement in fill area H within the SEC-s overlay is in violation of MCC 39.5510.

III. CONCLUSION

Based on the foregoing, Respondents were required to, but did not, obtain a ground disturbing activity permit for: filling related to development of driveways A, B, C and D on properties 1, 2 and 3; filling related to development of a loading area on property 3; and filling in preparation for development of a corral on property 1. Respondents were also required to, but did not, obtain an SEC overlays permit for: development of driveways A, B, D, E and F within the SEC-s overlay on properties 1, 2 and 3; development of a loading area within the SEC-s overlay on property 3; and ground preparation for a corral within the SEC-s overlay on property 1.

IV. CALCULATION OF CIVIL PENALTY

On March 05, 2026 the Code Compliance office calculated and included with the Notice of Violation a recommended continuing civil fine of \$525.00 per day, beginning on the date of the Hearings Officer Final Order: \$210.00 for violation of MCC 39.6210 and \$315.00 for violation of MCC 39.5510 (Ex. C.4).

V. STAFF RECOMMENDATION FOR HEARINGS OFFICER DECISION

The LUP Director respectfully recommends and requests an Order of the Hearings Officer pursuant to MCC 39.1550:

- A. Affirming the determination of violations in the Notice of Violation CCPR1-2025-0003; and
- B. Imposing:
 1. A continuing civil fine of \$210.00 per day for the violation of MCC 39.6210 pursuant to MCC 39.1560 and MCC 39.1545, plus interest in accordance with law, beginning on the date of the Hearings Officer Final Order, and continuing until the violation is corrected; and
 2. A continuing civil fine of \$315.00 for the violation of MCC 39.5510 pursuant to MCC 39.1560 and MCC 39.1545; and
 3. Ordering the Respondent to take the corrective actions set forth in Section (3) Compliance Actions of the Notice of Violation, dated March 05, 2026.

VI. EXHIBITS

Exhibits will be available at <https://multco.us/info/hearings-officer> at least five days prior to a scheduled appeal hearing. If no appeal is filed, you may request the case exhibits by submitting a public records request via email to dcs.records@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received
'A'	#	Complaint	Date
A.1	5	Complaint 1 with Photo Evidence	05.19.2025
A.2	2	Complaint 1 Additional Photo Evidence	05.21.2025
A.3	2	Complaint 1 Additional Allegations	05.30.2025
A.4	4	Complaint 2 with Photo Evidence	07.24.2025
'B'	#	Staff Investigation	Date
B.1	2	CCINT-2025-0019 Complaint Intake Form	05.29.2025
B.2	9	Assessment and Taxation Property Information	06.03.2025
B.3	1	CCINT-2025-0019 Property Case and Permit History	05.29.2025
B.4	5	T1-2017-8544 Grading and Erosion Control Permit	11.17.2017
B.5	9	T1-2017-9729 Grading and Erosion Control Permit	02.14.2018
B.6	14	T1-2020-13263 Agricultural Fill Permit	03.19.2021
B.7	11	Google Earth Aerial Images – Properties 1-3	May 1994 to August 2025
B.8	12	Google Earth Aerial Images – Driveway A Development	05.23.1994 - 02.28.2025
B.9	14	Google Earth Aerial Images – Driveway B Development	05.23.1994 - 02.28.2025
B.10	8	Google Earth Aerial Images – Driveway C Development	05.23.1994 - 02.28.2025
B.11	11	Google Earth Aerial Images – Driveway D Development	05.23.1994 - 02.28.2025
B.12	10	Google Earth Aerial Images – Loading Area G and Fill Area H	05.23.1994 - 02.28.2025
B.13	1	CCINT-2025-0019 Complaint Intake and Document Investigation Report	06.03.2025
B.14	24	CCINT-2025-0019 Site Inspection Report	06.03.2025
B.15	15	CCPR1-2025-0003 Site Inspection Report	06.05.2025
B.16	18	CCPR1-2025-0003 Site Inspection Report	07.03.2025
B.17	1	CCINT-2025-0028 Property Case and Permit History	08.28.2025
B.18	11	ROW-GEN-2024-0028 ROW Access Permit	09.11.2024
B.19	19	T1-2024-0058 Erosion and Sediment Control Permit	08.22.2025

B.20.a	11	T1-2025-0014 Erosion and Sediment Control Permit	08.06.2025
B.20.b	21	T1-2025-0014 Ag Building Registration	08.06.2025
B.21	8	Google Earth Images – Driveway E and F Development	05.23.1994- 08.10.2025
B.22	6	CCINT-2025-0028 Document Investigation Report	08.28.2025
B.23	3	CCINT-2025-0028 Site Inspection Report	09.02.2025
B.24	4	CCPR1-2025-0003 Site Inspection Report	09.02.2025
B.25	3	CCPR1-2025-0003 Driveway A and B SEC-s Measurements	10.08.2025
B.26	1	Multnomah County Watershed Map	2003
B.27	28	Multnomah County Board Ordinance 801	10.18.1994
B.28	1	Metro Jurisdictional Boundary Map	2009
'C'	#	Administration & Procedures	Date
C.1	1	CCINT-2025-0019 Director Determination on Investigation	06.05.2025
C.2	1	CCPR1-2025-0003 Stop Work Order	06.05.2024
C.3	11	CCPR1-2025-0003 Request for Voluntary Compliance Notice	06.12.2025
C.4	4	CCINT-2025-0028 Director Determination on Investigation	09.18.2025
C.5	3	CCINT-2026-0012 and CPR1-2025-0003 RFI	02.06.2026
C.6	8	CCPR1-2025-0003 Notice of Violation with Appeal Form	03.05.2026
C.7	1	CCPR1-2025-0003 Notice of Violation - Map of Code Violations	03.05.2026
C.8	3	CCPR1-2025-0003 Civil Fine Calculation Worksheet	03.05.2026
C.9	10	Notice of Public Hearing – Public Notice	04.24.2026
C.9.a	10	Notice of Public Hearing – Respondent Notice	04.24.2026
C.10	15	Staff Report	04.28.2026
'D'	#	Respondent	Date Received
D.1	6	Email correspondence with Respondent, Scott Reed	06.24.2025 - 08.17.2025
D.2	1	1936 Aerial Image	06.24.2025
D.3	1	1947 Aerial Image	06.24.2025
D.4	2	Email correspondence with Respondent, Scott Reed	07.17.2025
D.5	1	1958 Aerial Image	07.17.2025
D.6	1	1984 Aerial Image	07.17.2025
D.7	1	Appeal of Notice of Violation	03.17.2026