



OFFICE OF MULTNOMAH COUNTY ATTORNEY

JENNY M. MADKOUR
County Attorney

KATHRYN A. SHORT
Deputy County Attorney

B. ANDREW JONES
*Deputy County Attorney
Litigation Manager*

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

NICK BALDWIN-SAYRE
ASHLEY BANNON MOORE
JUNE BRADLEY
CARLOS J. CALANDRIELLO
CHRISTOPHER A. GILMORE
WILLIAM H. GLASSON
CINDY L. HAHN
JON HIMES
ANDREW MACKENDRICK
LOUISA H. MCINTYRE
CARLOS A. RASCH
VERONICA R. RODRIGUEZ
ROBERT E. SINNOTT
JONATHAN P. STRAUHULL
KATHERINE C. THOMAS
JED R. TOMKINS
ANDREW T. WEINER
Assistants

May 13, 2026

Via email to david@dfd-law.com

RE: *Multnomah County v. Scott and Stacy Reed*
Zoning Violation CCPR1-2025-0003

Hearings Officer Doughman:

This letter is in response to David Hunnicutt's letter of May 11, 2026.

As an initial matter, the County has no objection to a status conference to address the procedural objections that Mr. Hunnicutt raises on behalf of his clients, Scott and Stacy Reed. The County also has no objection should you decide to address those objections at the hearing scheduled for May 29th. However, because the County believes that the Reeds' procedural objections do not compel a different process, the County requests that the May 29th hearing be maintained unless and until you decide otherwise.

In short, the County's responses to the Reeds' procedural objections are as follows:

First, the Reeds contend that the pretrial discovery disclosure requirements of ORS 135.815 apply to these proceedings via ORS 153.076(3), which makes those requirements applicable to violation proceedings.

The County's position is that ORS Chapter 153 applies only to violation proceedings brought in state circuit courts and does not apply to these local administrative enforcement proceedings. *See* ORS 153.030(4)-(6) (stating that ORS Chapter 153 does not prohibit a local government from providing for administrative enforcement of its ordinances, including enforcement through imposition of monetary penalties, by establishing procedures and conducting hearings before a hearings officer); *Hood River County v. Stevenson*, 177 Or. App. 78 (2001) (stating "ORS chapter 153 governs the prosecution of violations, whether of state law or

May 13, 2026

Page 2 of 2

county ordinance, *in state circuit courts,*” at 82 (emphasis added) and “ORS 153.030(4) and (5) allow political subdivisions to provide for *administrative* enforcement of their ordinances in alternative forums in certain circumstances” at 85 (emphasis original)); *A Walk On the Wild Side v. Washington County*, 78 Or LUBA 356 (2018) (holding that ORS Chapter 153 does not apply to a local land use enforcement proceeding involving the imposition of monetary penalties).

Second, the Reeds assert that the County’s procedures for administrative enforcement hearings, which mirror the County’s procedures for appeals of Type II land use decisions (outlined under MCC 39.1140) as supplemented and modified by the provisions of MCC 39.1550, are statutorily and constitutionally insufficient.

The County’s position is that ORS Chapter 153 does not prevent the County from establishing procedures for administrative enforcement hearings and that the Planning Director is empowered under County Code to establish such procedures. *See* ORS 153.030(5); MCC 39.1520(B) and (C). The Reeds have not advanced an argument to support their assertion that the County’s procedures are constitutionally insufficient.

The County is prepared to brief these issues in advance of the hearing or any status conference. Please let us know how you would like to proceed.

Thank you,



June Bradley
Assistant County Attorney

cc: Dave Hunnicutt and Samantha Bayer, Attorneys for Respondent Scott and Stacy Reed
Megan Gibb, Planning Director
Kevin Cook, Principal Planner