

General Information					
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Scott Robison Multnomah County (503) 988-0187			B274 Multnomah County Mailroom Scott Robison (503) 988-0187		
Billing Information					
City Cost Object: O:4MFPDMULTCAP - Multnomah County P&D Billing					
Multnomah County Cost Center: 901000					
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Originals					
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Instructions/Comments					
Special print, address, staple, fold, tab					
P&D					

CCPR1-2025-0003 Hearing Notice Mailing List

	A	B	C	D	E
1	PARCEL ID	INFO1	NAME	ADDRESS	CITYSTATEZIP
2		COUNSEL	DAVID J HUNNICUTT - OPOA LEGAL CENTER	PO BOX 230637	TIGARD OR 97281
3		COUNSEL	SAMANTHA BAYER - OPOA LEGAL CENTER	PO BOX 230637	TIGARD OR 97281
4	R961160790		SUSAN & KIRK ANDREWS	13410 NW SPRINGVILLE RD	PORTLAND OR 97229
5	R2133119		SINGH PADMARAJ & VISHALA	11105 CAP STONE DR	AUSTIN TX 78739
6	R649729160		BUELL FAMILY REV TR	11223 NW SALTZMAN RD	PORTLAND OR 97229
7	R2133138		PREMI MICHAEL & MALIA	1124 NW FRAZIER CT	PORTLAND OR 97229
8	R961150130		EVANKA BEOVICH REV LIV TR	11525 NW SPRINGVILLE RD	PORTLAND OR 97229-1315
9	R2189780		ALURU BHASKAR	1208 DILLON LAKE BEND	LEANDER TX 78641
10	R961150120		VATNE FAMILY TR & ROLF	12321 NW SPRINGVILLE RD	PORTLAND OR 97229
11	R961150380		TALBOT JOHN & LINDA	12421 NW SPRINGVILLE RD	PORTLAND OR 97229-1350
12	R961160250 & R961150280		DOUGLAS DANIEL & JUDI	12455 NW SPRINGVILLE RD	PORTLAND OR 97229
13	R961160630 & R961160980		WOOD COURTNEY & WALKER JACOB	12521 NW SPRINGVILLE RD	PORTLAND OR 97229
14	R961160880		HAZEL JOSEPH LEE	12535 NW SPRINGVILLE RD	PORTLAND OR 97229-1642
15	R2133154		CHOPRA VIPUL & KAVITA	12601 NW LARRY CT	PORTLAND OR 97229
16	R2133137		VIDYARTHI ANISH & KOKILA	12604 NW ALLY ELIZABETH CT	PORTLAND OR 97229
17	R2133158		MAHBAI NIKA	12606 NW LARRY CT	PORTLAND OR 97229
18	R2133136		HEU DANIEL & SARAH	12608 NW ALLY ELIZABETH CT	PORTLAND OR 97229
19	R2133135		PRAKASHKESAVAN	12612 NW ALLY ELIZABETH CT	PORTLAND OR 97229
20	R2133134		CHINNAKONDA RAJKUMAR R	12616 NW ALLY ELIZABETH CT	PORTLAND OR 97229
21	R2133155		THAKOR RAJENDRASINH & NEETA	12617 NW LARRY CT	PORTLAND OR 97229
22	R2133139		KATZENBERG TYLER PRESCOTT	12619 NW ALLY ELIZABETH CT	PORTLAND OR 97229
23	R2133140		GOODWIN KATHRYN ANN & CHARL	12625 NW ALLY ELIZABETH CT	PORTLAND OR 97229
24	R2133141		KARAMCHEDU MURALI & AMBALAM CHUDAMA	12633 NW ALLY ELIZABETH CT	PORTLAND OR 97229
25	R2133156		BANGRAKULAR KRISHNA K & PENUMARTHI	12633 NW LARRY CT	PORTLAND OR 97229
26	R2133142		CROYSdale KEVIN W	12639 NW ALLY ELIZABETH CT	PORTLAND OR 97229
27	R2133133		MALLADI SIRISHA	12642 NW ALLY ELIZABETH CT	PORTLAND OR 97229
28	R2133132		KONDURU PADMARAJU FAMILY TRUST	12650 NW ALLY ELIZABETH CT	PORTLAND OR 97229
29	R2133143		SINGH GAGANDEEP & KAUR MANJOT	12655 NW ALLY ELIZABETH CT	PORTLAND OR 97229
30	R2133131		GOPI & LAKSHMI LIV TRUST	12658 NW ALLY ELIZABETH CT	PORTLAND OR 97229
31	R2133144		DRAGO RAT LIV TRUST	12663 NW ALLY ELIZABETH CT	PORTLAND OR 97229
32	R2133130		MAGHSOUDLOU MAHMOUD	12664 NW ALLY ELIZABETH CT	PORTLAND OR 97229
33	R2133145		ABUSULTAN MONTHER & AYA	12671 NW ALLY ELIZABETH CT	PORTLAND OR 97229
34	R961160600		WEBSTER JUDY	12749 NW SPRINGVILLE RD	PORTLAND OR 97229
35	R2182256		MA LIN & BAO BANGBEN	12812 NW O'CONNOR DR	PORTLAND OR 97229
36	R961160240		WOLFF NATHAN G C	12821 NW SPRINGVILLE RD	PORTLAND OR 97229
37	R2187700		KANCHAGAR ANAND & CHITR	12831 NW O'CONNOR DR	PORTLAND OR 97229
38	R2187699		CHATURVEDI-SHRIMALI LIVING TRUST	12838 NW O'CONNOR DR	PORTLAND OR 97229
39	R961160810		RAMIREZ SMITH FAMILY TR	12839 NW SPRINGVILLE RD	PORTLAND OR 97229-1605
40	R2187702		LEE MAMIE REV TRUST & CHEN PETER RE	12875 NW O'CONNOR DR	PORTLAND OR 97229
41	R961160310		FARHAT AZHAR FAMILY TR	12900 NW SPRINGVILLE RD	PORTLAND OR 97229
42	R2187696		MEHER RAJESH & PREETI	12904 NW O'CONNOR DR	PORTLAND OR 97229
43	R961160230		ZIZYS GIEDRIUS & ZIZIENE AUSRA	12931 NW SPRINGVILLE RD	PORTLAND OR 97229-1645

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	A	B	C	D	E
44	R2187694		BADIGANTI CHANDRASHEKHAR & PADALA S	12948 NW O'CONNOR DR	PORTLAND OR 97229
45	R2187706		CHEN ZUN & WU QIHUA	12963 NW O'CONNOR DR	PORTLAND OR 97229
46	R2187596		DUGGIRALA AMRUTA & TUMMALA DIVYATEJ	12998 NW O'CONNOR DR	PORTLAND OR 97229
47	R961160700 & R961160780 ETC		PLEP HERBERT S	13011 NW SPRINGVILLE RD	PORTLAND OR 97229
48	R2189703		GAETE PABLO A & NAVARRO CAROLINA PE	13053 NW LOMBARDY DR	PORTLAND OR 97229
49	R2189700		ASWAL LIV TRUST	13107 NW LOMBARDY DR	PORTLAND OR 97229
50	R2189699		OGG JASON & OGG JOY	13139 NW LOMBARDY DR	PORTLAND OR 97229
51	R151500300		CAVE MICHAEL & DIANNA	13145 NW SPRINGVILLE RD	PORTLAND OR 97229-1609
52	R961160650		BELL NOAH	13150 NW SPRINGVILLE RD	PORTLAND OR 97229
53	R2189698		ALLENE & CHENNAMANENI LIVING TRUST	13171 NW LOMBARDY DR	PORTLAND OR 97229
54	R2189697		CHEN ZHAO TRUST	13195 NW LOMBARDY DR	PORTLAND OR 97229
55	R961160130 & R961160590 ETC		REED SCOTT & STACY	13305 NW CORNELL RD STE C	PORTLAND OR 97229
56	R961160940 & R961160280		MALINOWSKI FERN E TR	13450 NW SPRINGVILLE RD	PORTLAND OR 97229
57	R961220280 & R961220290 ETC		TUALATIN HILLS PARK & RECREATION	15707 SW WALKER RD	BEAVERTON OR 97006
58	R2133151		WANG TONG & FU YUEJUN	15755 NW ANDALUSIAN WAY	PORTLAND OR 97229
59	R649722670		PUNTNEY MICHAEL W	1615 CANDLEWOOD DR	SALEM OR 97301
60	R2239803 & R2239804 ETC		NOYES DEVELOPMENT CO	16305 NW BETHANY CT STE 101	BEAVERTON OR 97006
61	R961160150		TUALATIN VALLEY WATER DISTRICT	1850 SW 170TH AVE	BEAVERTON OR 97006-4211
62	R961150500		PAMPLONA TR & KACAL PROPERTIES LLC	3320 W 7TH ST	FORT WORTH TX 76107
63	R2189426		KANABAR BHAVIK & APARNA	4009 BRADY RIDGE DR	CEDAR PARK TX 78613
64	R649729140		BROCK ISAAC	433 N CAMDEN DR #730	BEVERLY HILLS CA 90210
65	R2189431 & R2189432 ETC		DR HORTON INC-PORTLAND	4350 GALEWOOD ST STE 200	LAKE OSWEGO OR 97035
66	R2189436		O'CONNOR JE FAMILY REV LIV TRUST	4380 SW MACADAM AVE #200	PORTLAND OR 97239
67	R2133098		LEE DAVID K & CHU M REV TRUST	5708 NW BANNISTER DR	PORTLAND OR 97229
68	R2189709		ACHARYA MANORANJAN & SAHU SONIA	5718 NW PRIMINO AVE	PORTLAND OR 97229
69	R2133097		HILLIER PHILIP R III & HILLIER INGE	5730 NW BANNISTER DR	PORTLAND OR 97229
70	R2133121		LUQUIN JASON & KRISTINA	5732 NW 126TH TER	PORTLAND OR 97229
71	R2133096		LEE YOUNG SOOK & JUN JIN MAN	5752 NW BANNISTER DR	PORTLAND OR 97229
72	R2133122		KAPADIA DINESH	5754 NW 126TH TER	PORTLAND OR 97229
73	R649960380		VICTORIA M TAYLOR REV TR	5757 NW SKYLINE BLVD	PORTLAND OR 97229-1333
74	R2189770		NETTER STEVEN & AMANDA	5768 NW 131ST AVE	PORTLAND OR 97229
75	R2133123		SOKHAN-SANJ SIROOS & DOBBIN LORI	5786 NW 126TH TER	PORTLAND OR 97229
76	R2189755		KANG WONJAE & HYUN	5786 NW 132ND AVE	PORTLAND OR 97229
77	R2189769		MOLER JAMES C & LIFANG	5790 NW 131ST AVE	PORTLAND OR 97229
78	R2189705		MENON SACHIN & RAJAGOPAL LEKSHMI	5806 NW PRIMINO AVE	PORTLAND OR 97229
79	R2189424		BUTZEN NICOLAS & JAGER KATE	5808 NW BANNISTER DR	PORTLAND OR 97229
80	R2133124		KULJANIN SANJA & EVANS DEREK J	5808 NW REDFOX DR	PORTLAND OR 97229
81	R2189704		KUMAR PADMASHEELA J	5820 NW PRIMINO AVE	PORTLAND OR 97229
82	R2189422		GIANI ASHISH & HARSHITA LIV TRUST	5821 NW BANNISTER DR	PORTLAND OR 97229
83	R2133125		JEON JAE HYEON & HERMINA KUNG	5822 NW REDFOX DR	PORTLAND OR 97229
84	R2189420		CHANG SHILIANG	5833 NW BANNISTER DR	PORTLAND OR 97229
85	R2133126		BAKSHI SHEKHAR & SHILPA PACH	5836 NW REDFOX DR	PORTLAND OR 97229
86	R961150260		MARTIN J TASSONI & DIANA B TASSONI	5837 NW SKYLINE BLVD	PORTLAND OR 97229

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	A	B	C	D	E
87	R2189429		ENE-PIETROSANU LIVING TRUST	5838 NW BANNISTER DR	PORTLAND OR 97229
88	R2133153		MOHAMMADI ELHAM & DAVOODY AMIRHOSSE	5841 NW REDFOX DR	PORTLAND OR 97229
89	R2189430		HASAN SHAMS REVOCABLE LIVING TRUST	5844 NW BANNISTER DR	PORTLAND OR 97229
90	R2189418		PANDYA ANUP & TRIVEDI HETALBAHEN	5845 NW BANNISTER DR	PORTLAND OR 97229
91	R2133127		XUE BIN & SU HUIQIONG	5850 NW REDFOX DR	PORTLAND OR 97229
92	R2133152		MANTHA RAMESH & NIRUPAMA	5853 NW REDFOX DR	PORTLAND OR 97229
93	R2189416		BANDI BHASKARA KRISHNA MOHAN	5857 NW BANNISTER DR	PORTLAND OR 97229
94	R2189415		CLOSE ELIZABETH & WILLIAM	5863 NW BANNISTER DR	PORTLAND OR 97229
95	R2133128		KHANNA RAHUL & SANGEETA	5864 NW REDFOX DR	PORTLAND OR 97229
96	R2133129		DAVIDSON DEBRA & VARGAS EDUARDO	5878 NW REDFOX DR	PORTLAND OR 97229
97	R2133150		RAHMAN REZAUR & KHALID FARZANA	5893 NW REDFOX DR	PORTLAND OR 97229
98	R2133149		MURTHY BALAJI & KANTH MALINI	5907 NW REDFOX DR	PORTLAND OR 97229
99	R649722700		KIRKHAM WILLIAM J	5919 NW SKYLINE BLVD	PORTLAND OR 97229-1330
100	R2133148		KABIR MOHAMMAD	5921 NW REDFOX DR	PORTLAND OR 97229
101	R2133147		MILLER DALE & CATHERINE	5935 NW REDFOX DR	PORTLAND OR 97229
102	R2133146		PEYNADO ENGELBERTO & DELI	5989 NW REDFOX DR	PORTLAND OR 97229
103	R649774500		STORC LISE & COMEAU ANDREW R	6021 NW SKYLINE BLVD	PORTLAND OR 97229-1328
104	R961160830		STOLLBERG ERIC J TR	6140 NW SKYLINE BLVD	PORTLAND OR 97229-1327
105	R961150520		WINKLER KARL J ET AL	6335 NW SKYLINE BLVD	PORTLAND OR 97229-1306
106	R961150710		BOND CELESTE & JOSHUA	7015 NW SKYLINE BLVD	PORTLAND OR 97229
107	R961160320		COWLING CHARLENE S	7040 SW SHADY LN	PORTLAND OR 97223
108	R649722680		WAGNER CRAIG C	866 N COLUMBIA BLVD #B211	PORTLAND OR 97217
109	R2189425		AL-MOMANI EMAD & RAJAA	8703 FARMDALE CV	AUSTIN TX 78749
110	R2133120		CHAN CHUNG-LUN & LEUNG YVETTE	955 NW MUIRFIELD CT	BEAVERTON OR 97006
111	R2187701		LOUTRAKI INVESTMENTS LLC	PO BOX 1697	BEAVERTON OR 97075
112		LAND USE CONTACT	CAROL CHESAREK - C/O FOREST PARK NA	13300 NW GERMANTOWN RD	PORTLAND OR 97231
113		LAND USE CONTACT	LAURI BREWSTER - OR DEPT OF FISH & WILDLIFE	Lauri.B.BREWSTER@odfw.oregon.gov	
114		LAND USE CONTACT	MICHELE LEVIS - WMSWCD	3236 S KELLY AVE, SUITE 200	PORTLAND OR 97239
115		CCPR1-2025-0003 Hearing Notice 08172026	MULT COUNTY LAND USE PLNG DIV	1600 SE 190TH AVE	PORTLAND OR 97233

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.

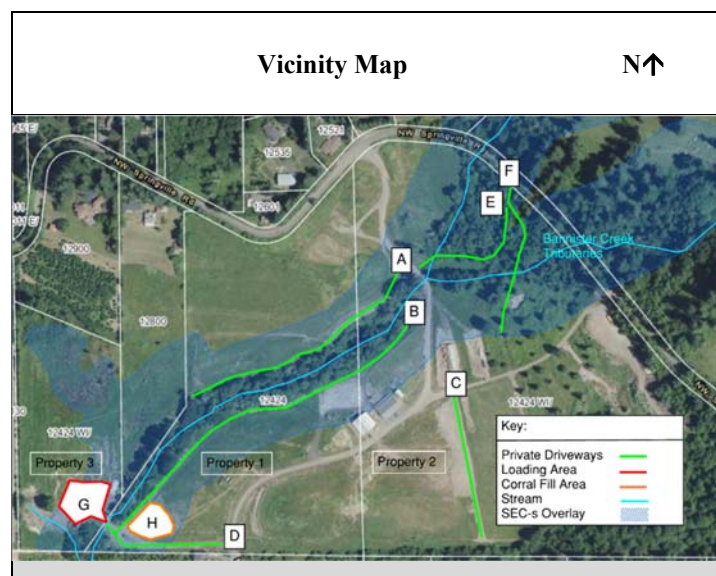
SUBJECT OF THE HEARING: Appeal of Notice of Violation – Unpermitted ground disturbing activity and unpermitted development within the Significant Environmental Concern Stream (SEC-s) overlay

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**.

Ex. 13, Pg. 7

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 **\$525.⁰⁰per day (the total of two daily civil fines of \$210.⁰⁰and \$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.”