



Zoning Violation Civil Fine Calculation Worksheet

Owners/Respondents: Scott and Stacy Reed
 Location: 12424 NW Springville Rd, Portland, OR 97229
 Map Tax Lot: 1N1W16D -02800, 1N1W15C -00600, 1N1W16D -03100
 Alt. Tax Account #: R961160130, R961150770, R961160590

Zoning: Exclusive Farm Use (EFU)
 Overlay: Significant Environmental Concern – Stream (SEC-s)
 Case#: CCPR1-2025-0003

I. Violation of Multnomah County Code (MCC) 39.6210 Permits Required:

A. Specific violation: Respondents conducted or allowed to be conducted development of four private driveways (A, B, C and D), a loading area (G), and ground preparation for a corral (H). The development consisted of ground disturbing activity, including filling, and Respondents do not have a permit authorizing this ground disturbing activity.

(7)(2)(\$15) = \$210 – Civil Fine Amount

$X = [H+P+R+C+E]$ $Y = [A \times G]$

	X base		Y Multiplier		\$15		Amount
1	History		1	Action to Enforce			
1	Prior Violation		2	Gravity			
2	Repeated						
2	Cause						
1	Efforts to Correct						
7	TOTAL	X	2	TOTAL	X	\$15	= \$210

II. Violation of Multnomah County Code (MCC) 39.5510 Permits Required:

A. Specific violation: Respondents conducted or allowed to be conducted 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, and Respondents do not have an SEC permit authorizing this development within the SEC-s overlay.

(7)(3)(\$15) = \$315 – Civil Fine Amount

$X = [H+P+R+C+E]$ $Y = [A \times G]$

	X base		Y Multiplier		\$15		Amount
1	History		1	Action to Enforce			
1	Prior Violation		3	Gravity			
2	Repeated						
2	Cause						
1	Efforts to Correct						
7	TOTAL	X	3	TOTAL	X	\$15	= \$315

Zoning Violation Civil Fine Calculation Process

Enforcement Code Administrative Rule 4.2 CALCULATION OF CIVIL FINE

- (a) The Director shall document the calculation of each civil fine imposed by the Director. The civil fine shall be calculated as follows in this and the subsequent sections of this rule:

$$\text{Civil Fine (\$)} = (\mathbf{X})(\mathbf{Y})(\$15)$$

- (b) Variable **X** = [**H+P+R+C+E**] is calculated as follows:

- (1) **H** is the rating of Respondent's performance of the required corrective actions requested or demanded by the Director for a particular violation. **H** shall equal:

- (A) **0** if Respondent took actual and substantial steps, more than verbal assurance, towards attempting full performance of the required corrective actions or other resolution of the matter;
- (B) **1** if Respondent took actual, but minor, steps, more than verbal assurance, towards attempting full performance of the required corrective actions or other resolution of the matter; and
- (C) **4** if Respondent took inconsequential or no actual steps, regardless of verbal assurance, towards attempting full performance of the required corrective actions or other resolution of the matter.

- (2) **P** is the number of prior, affirmed violations of the same section of the MCC by Respondent. **P** shall equal:

- (A) **1** if there are no prior violations.
- (B) **2** if there has been one violation within the last five years; and
- (C) **4** if there have been two or more violations within the last five years.

- (3) **R** is the frequency of occurrence of the violation. **R** shall equal:

- (A) **1** if the violation occurred as a one-time event; and
- (B) **2** if the violation is occurring or occurred as an intermittent, repeated or continuous event.

- (4) **C** is Respondent's intent to cause the violation. **C** shall equal:

- (A) **1** if Respondent did not intend the violation, but rather the violation was inadvertent. An inadvertent violation is one that is unavoidable, accidental or caused by others not under the control or influence of Respondent;
- (B) **2** if the violation occurred as a result of Respondent's negligence. A violation occurs as a result of Respondent's negligence if Respondent fails to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation;
- (C) **4** if the violation occurred as a result of Respondent's reckless or intentional acts. A violation occurs as a result of Respondent's reckless act if Respondent acts with

indifference to the consequences of that act. A violation occurs as a result of Respondent's intentional act if Respondent knows the results that will flow from the act and desires those results to occur, regardless of whether Respondent knows that the act is a violation of law.

(5) **E** is the rating of Respondent's responsiveness to the Director's communications and/or requests. **E** shall equal:

- (A) **0** if Respondent was highly responsive such that repetition of the Director's communications and/or requests was minimal;
- (B) **1** if Respondent was moderately responsive such that the Director found a need to repeat only a small portion of prior communications and/or requests; and
- (C) **2** if Respondent was minimally responsive or not responsive.

(c) Variable **Y** = [**A** x **G**] is calculated as follows:

(1) **A** is the number of prior requests or demands by the Director for Respondent's performance of required corrective actions. **A** shall equal:

- (A) **1** if this is the first such request or demand by the Director within the last five years;
- (B) **2** if this is the second such request or demand by the Director within the last five years; and
- (C) **3** if there have been more than two such requests or demands by the Director within the last five years.

(2) **G** is the severity and magnitude of the violation as measured by the imminence of the threat to public health or safety or to natural resources, physical size, geographic extent, duration of time, frequency of occurrence, actual or potential economic harm or otherwise. Partial correction of a violation by any person after the NOV is issued does not reduce the value assigned to this factor. **G** shall equal:

- (A) **1** if there is no immediate threat to public health or safety or to natural resources, and the remaining measures of severity and magnitude of the violation prove minor;
- (B) **2** if there is no immediate threat to public health or safety or to natural resources, but the remaining measures of severity or magnitude of the violation prove moderate. The remaining measures of severity or magnitude of a violation prove moderate when required corrective actions can be taken in due course without a risk of irreparable harm; and
- (C) **3** if the violation poses an immediate threat to public health or safety or to natural resources or the remaining measures of severity or magnitude of the violation prove substantial. The remaining measures of severity or magnitude of a violation prove substantial when required corrective actions must be taken immediately to prevent irreparable harm.