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Multnomah County

LUP Hearings <lup-hearings@multco.us>

Sept 11 hearing CCPR1-2025-0003

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To: LUP Hearings <lup-hearings@multco.us>

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Please accept our written comments below for the hearing Friday, September 11, regarding zoning violation CCPR1-2025-0003.

Dear Hearings Officer,

We are writing today regarding the hearing for Code Case File CCPR1-2025-0003 being held September 11, 2026.

We are neighbors, ranchers, and farmers who live near the property that is the subject of this complaint at 12424 NW Springville Rd. As a neighborhood, we appreciate the opportunity to provide comments on these violations. Many of us signing have submitted compliance complaints to the county to investigate issues related to these specific violations, and all of us are witnesses and have been directly impacted by the code violations referenced.

We support the Notice of Violation. The county compliance staff has provided extensive credible evidence to prove their case and we are grateful. It has taken a long time for the county investigators to employ the quantitative measures necessary to prove unpermitted activity has happened at the subject site and to get the necessary evidence of the volume and location of the placement of fill and ground disturbance that was unpermitted. We have been sending in concerns about excessive fill volume going back to 2017, and in the past we've been told the underlying enforcement issue has been the inability of the county to measure the actual quantity of fill brought on site under multiple permits to determine if they have exceeded their permitted quantities, and in general the difficulty with very limited staff to observe and monitor the placement, type of material, and activity levels, and that staff was limited or not allowed onsite to inspect the activity. We were told "the only way for us to get an accurate measurement of fill placed under the permits would be through an engineering review once the development is complete." This violation investigation finally applies the collection and calculation of evidence that made past enforcement difficult.

We recognize that you cannot rule on anything further than the code violation and evidence submitted in this current case. But we believe you have a responsibility to enforce violations of the code, because without enforcement, you leave our homes, health, roads, and the watershed subject to continued unregulated damage from this property owner. When you consider whether building a new driveway or parking area without a permit is a problem, we want to make sure you are aware of the wider scope of damage that has resulted from the unpermitted projects that are the subject of this hearing.

Regarding Violation 1. A. Ground Disturbing Activity:

Compliance could show you a large volume of complaints about the excessive volume of trucks transiting Springville Road to this site since August 2025. The two current fill and ground disturbance permits in place since 2025 allow a maximum of 10 trucks a day until the permitted fill quantity is reached, with work hours limited to 8 - 5, stating that loads must be covered. But there have been days in the last year where 150 trucks were observed delivering material, and it is not untypical to see three trucks running back and forth every 10-15 minutes, conservatively 80 dump trucks per day driving each way along Springville Road. In addition to the excess numbers of trucks going to this property, we've reported trucks running on a Saturday. Running before 8 and after 5. Largely uncovered loads. It has not changed since the violation was issued; we still see trucks running significantly in excess of the 10 loads allowed per day, reported as recently as 8/28/26. This is direct evidence of the volume of material and ground disturbance not cited in the staff report that shows a huge volume of activity beyond the permits onsite.

When we received the details of the violation, we were frankly surprised that the excessive volume of trucks we've reported going to this property each day, the hours they are driving, the uncovered loads, were themselves not documented as part of

the violation. When we queried the compliance officer about why those problems were not included in this code compliance violation, this is what we were told: "the vast MAJORITY of truck activity you are seeing are trucks carrying non-earth material (concrete, chipped asphalt, wood debris/mulch) and fill to the properties and depositing those materials outside of the permitted fill sites. Those trucks are not associated with the fill permits and cannot be counted against the approved daily truck trips or toward the total volume of fill received under the approved fill permits." These would be enforceable violations under his current permits, but apparently aren't enforceable because they are bringing this fill to unpermitted locations there.

As the neighbors impacted directly by the truck activity involved in delivering all that unpermitted fill, we think it should be highlighted that there is damage that goes far beyond a driveway being built without a permit. One purpose of permitting is to make sure that rules are followed which protect people, surrounding properties, and roads from the damage, noise, dust and dangers involved with the transit of the trucks through the area to a specific project and for a specific length in time, and the deposit and movement of fill onsite, and we were originally grateful when the county added those kinds of regulations to the current permits on site. But it hasn't helped at all. We have neighbors who are experiencing asthma attacks due to the amount of dust. It's difficult to safely leave our driveways or exit Springville Lane in our cars with that many trucks driving 40 mph. With our narrow road and the trucks attempting to avoid driving on the potholes they've created, it turns into a game of chicken getting past them taking our kids to school or driving to work. It's incredibly loud, both from the trucks driving and also dropping the loads onsite, with vibration felt even inside our homes, continuing nonstop 7 to 5. It leaves dust and mud on the road making it unsafe for bikes and motorcycles in particular, and over time potholes and sink holes have formed.

What's worse, is that we've been trying for over 10 years to get help from the county with the literally thousands of dump trucks we have witnessed traversing our road to this address, so this violation doesn't come close to showing the full scope of unpermitted ground disturbance and fill deposited, just the most recent incidence. This volume of truck traffic is NOT a typical impact of a farm use and extends all the way west through urban Bethany neighborhoods. It is not something that has been resolved in short order when this or that project got completed. The compliance officer acknowledges this has been going on for "several years." In fact, in 2021 it escalated to the point that the neighborhood met with then County Commissioner Meieran and then Director Carol Johnson and their staff to discuss the impact and possible interventions. Now the owners simply bring in fill without permits forcing the county to spend literally a year responding to neighbor complaints, investigate, inspect, measure, negotiate with the owners, and eventually provide a case to bring to this hearing. What has been the cost of that to the county? Who is going to pay to repair the road?

So while your ruling is limited to the specifics of this violation, please recognize this is not the first time this has happened, the activity has an impact far beyond the subject property, and we've tried for years to get Multnomah County to help our neighborhood with unregulated movement of huge quantities of fill to this address. While it's unfortunate that the ridiculously excessive volume of truck transits can't be included as part of the violation, we think they are relevant to the situation and should be considered as both evidence of the amount of material that has been delivered beyond his permitted projects, and of the collateral damage that resulted to the community and roads from his activity. And with the clear and convincing quantitative evidence provided by staff, we believe the violation 1.A. should be enforced.

Regarding: Violation 1.B. Significant Environmental Overlay - Streams
Last year, the development extended into the watershed area through this property. Neighbors signing below witnessed and reported material being dumped directly into Bannister Creek as well as the county documented deposit of material alongside the creek and into the SEC overlay zones listed in the violation 1B. The actual course and volume of the creek has changed according to the adjoining owners. Permanent wetland areas have dried up. The purpose of an SEC overlay is to protect our natural resources from damage due to development or farming practices. In many ways this part of the violation is even more horrifying because who is going to advocate for the water quality and the wildlife impacted? Does a fine issued or belated permit restore the watershed? Again, this is not the first time the owner has interfered with the flow of the creek. In fact, neighbors witnessed and reported the unpermitted deposit of asphalt pilings across the creek in 2017 which first created this "farm road." Again, we support the staff report and ask that you affirm this violation and demand correction of the damage.

Beyond the scope of county code enforcement, immediate neighbors have had issues with trespassing, damage done to their own property, and even threats, involving calls to law enforcement and current discussions with lawyers. This is a pattern of overstepping boundaries that is not accidental.

Lastly, we would like to add that several of us signing below have gone to considerable cost and effort to cooperate with and meet the requirements of the code for doing projects in our SEC overlay, and it really acts as a disincentive to residents to continue to do so if there are not significant penalties for willfully disregarding the County Code.

In conclusion:
As the neighbors who are directly impacted by the specific violations in this case as well as having witnessed and experienced the significant additional impacts resulting from the fill and ground disturbance activity in Violation 1.A. and fill and related damage caused in the SEC zones in Violation 1.B., including noise, vibration, dust, roadway damage and a dangerous level of truck traffic along our rural roadway, and the observable changes in the course and flow of protected Bannister Creek, we request that the hearings officer rule in favor of the staff report, and demand that the violations be corrected, including the removal of fill and clean up of Bannister Creek and the cessation of trucks beyond the 10 per day allowed under the current permits to this site. We further request that the county require regular inspections on site to ensure there are no ongoing additional violations, and that future permits be written such that they are enforceable, protect the watershed and wildlife in the overlay, and limit the transit of trucks in number and for legitimate purposes.

Thank you for taking our comments.

Elizabeth Ledbetter,
12800 NW Springville Rd.
Mary Buss Shepherd & Devon Lopetrone, tenants,
12820 NW Springville Rd.
Charlene Cowling, owner,
12830 NW Springville Rd.
Ezra and Farhat Azar,
12900 NW Springville Rd.
Herb and Carolyn Plep,
13011 NW Springville Rd.
LeaAnn and William Hoppe,
13303 NW Springville Rd.
Ramona Ruhr,
13341 NW Springville Lane
Greg and Janella Malinowski,
13450 NW Springville Lane
Susan Anderburg,
13525 NW Springville Lane
Allison Novak and Santoash Cuddalore Rajaram,
13640 NW Springville Lane
Susan and Kirk Andrews,
13410 NW Springville Rd.
Kjerstin and Clark Brinton,
13508 NW Springville Rd.