



Land Use Planning Division
Code Compliance Office

1600 SE 190th Avenue, Portland Oregon 97233 • PH. (503) 988-5508 • Fax (503) 988-3389

March 3, 2021

Property Owner/
Respondent: Heather L. Moon
645 SE Pounder Rd
Corbett, OR 97019

Location/Property: 645 SE Pounder Rd, Corbett, OR 97019
State ID: 1S 4E 02BA -00700
Alt. Tax Account #: R994020700
Zoning: Commercial Forest Use (CFU)-4
Zoning Overlays: Significant Environmental Concern-Streams (SEC-s)
Case#: Zoning Violation (ZV)-2021-14224

Multnomah County)
v.) **NOTICE OF CIVIL VIOLATION**
Heather L. Moon) **Zoning Violation ZV-2021-14224**

(1) NATURE OF VIOLATION: Respondent has engaged in the following activity relevant to this Notice of Civil Violation (NCV):

1.1 Respondent failed to comply with Stop Work Orders posted for the Property on April 28, 2020 and January 8, 2021. Specifically, Respondent continued to conduct or allow others to conduct non-permitted ground disturbing activity, including grading and excavation work, on the Property after January 8, 2021.

1.1.1 County staff observed Respondent and others on the Property engaging in non-permitted ground disturbing activity, including grading and excavation work, on and after the posting of the Stop Work Order on January 8, 2021, during inspections at the Property on January 8, 11, 13, 14, 20 and 25, 2021.

- 1.4.3 Respondent has placed and/or parked large equipment and boulders within and along the right of way. Respondent does not have any permit authorizing use of right of way.

(2) CIVIL FINES: Pursuant to Multnomah County Code (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:

- 2.1 CONTINUING CIVIL FINE of **\$4,200.⁰⁰ per day (\$1,050.⁰⁰ for each of the violations listed below)**, beginning on the date of this notice and continuing until the violations are corrected:
- 2.1.1 The acts described in Section 1.1, 1.2, 1.3, and 1.4 of this NCV constitute violations of **MCC 39.1535 Emergency Enforcement** (County may require immediate remedial action and/or issue Stop Work Order) and **MCC 39.1540 Stop Work Orders** (Failure to comply with a Stop Work Order may result in a Notice of Violation.).
- 2.1.2 The acts described in Section 1.2 of this NCV constitute violations of **MCC 39.5510 Uses, SEC Permit Required** (limiting permissible uses and requiring compliance with approval standards and permit requirements).
- 2.1.3 The acts described in Section 1.3 of this NCV constitute violations of **MCC 39.6210 Permits Required** (limiting permissible uses and requiring compliance with approval standards and permit requirements).
- 2.1.4 The acts described in Section 1.4 of this NCV constitute violations of **Multnomah County Road Rules (MCRR) 18.000 Right-of-Way Use Permits** (limiting permissible uses and requiring compliance with approval standards and permit requirements).

NOTE: Payment of the civil fines does not relieve you of the requirement to correct the violations. MCC 39.1530(B)

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 Respondent's compliance:

- 2.2 **Immediately** cease all non-permitted property development and construction activity being conducted on the Property and in the adjacent public right-of-way, specifically the significant non-permitted

ground disturbing activity, including grading and excavation work, and **immediately** install adequate erosion control measures (sediment fences/barriers) at the toe of all disturbed areas such that no visible or measurable erosion or sediment shall exit the site, enter the public right-of-way, or be deposited into any storm drainage system.

- 2.3 Within 10 days of the date of the Hearing Officer's Order** submit an application for a pre-filing meeting to the Land Use Planning (LUP) office to determine all permit applications, approvals and/or corrective actions required to resolve the compliance issues identified for the Property and the adjacent public right-of-way.
- 2.4 Within 30 days of the date of the pre-filing meeting**, submit an application(s) to the Land Use Planning (LUP) office, and the Transportation Division, if necessary, for all permits and corrective actions required to potentially authorize the development activity that is the subject of this Notice of Civil Violation or to restore the impacted areas of the Property and the SE Pounder Road public right-of-way to their pre-development condition.
- 2.5** In the event your permit application(s) are deemed incomplete by staff, **within 180 days** of receiving an incomplete application notification letter from the LUP office, make the necessary corrections or requested supplemental materials to make the permit application(s) complete.

If the required permit applications are approved: **Complete** all work and conditions of approval required by the permit application(s) approvals in the timelines specified by the approvals.

-OR-

- 2.6** If the required permit applications are not approved and Respondent has utilized all appeal rights provided by relevant code and statute or forgone those appeal rights, then the following needs to be undertaken: **Within 15 days** of the final decision, schedule and attend a meeting with the Code Compliance office and the LUP office to discuss the options available for moving forward with the resolution of this compliance case.

(3) APPEAL RIGHTS:

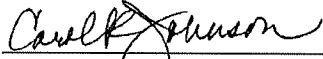
Pursuant to MCC 39.1530 and MCC 39.1550, YOU MAY APPEAL this Notice of Civil Violation to a County Hearings Officer. To appeal, you must complete and return the enclosed Notice of Violation Appeal form together with payment of the \$250.⁰⁰ appeal fee payable to "Multnomah County" **within**

14 days of the date of this notice to:

Code Compliance Specialist
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:
JAMIE WALTZ, DIRECTOR OF MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES



Carol R. Johnson, AICP
Planning Director
Land Use Planning Division

Enclosures:
Fine Calculation Form
Appeal of Notice of Violation Form