



M 522

**Multnomah
County**

LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

CERTIFIED MAIL®



7018 2290 0000 1907 0486

ZV-2021-14224

Exhibit 8

Staff Report

ZV-2021-14224 NOV 03032021
HEATHER MOON
645 SE POUNDER RD
CORBETT OR 97019

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ZV-2021-14224 NOV 03032021
HEATHER MOON
645 SE POUNDER RD
CORBETT OR 97019

2. Article Number
(Transfer from ser

7018 2290 0000 1907 0486

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



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
Heather L. Moon) Zoning V



Date: 03/02/2021
From C. Johnson

Please:

(1) NATURE OF VIOLATION: Respondent h
relevant to this Notice of Civil Violatic

1.1 Respondent failed to comply with
Property on April 28, 2020 and Ja
Respondent continued to condu
permitted ground disturbing acti
excavation work, on the Property

1.1.1 County staff observed Res
engaging in non-permitte
including grading and exc
posting of the Stop Work C
inspections at the Property
2021.

- Fax To: #
Photocopy # of Copies
File Copy Needed
Mail Case No. ZV-2021-14224 NOV CASE FILE 03032021
Mailing List Attached
Send 1 Original to Property Owner
Mail Certified
Mail Standard
Mail To MOON HEATHER
645 SE POUNDER RD
CORBETT OR 97019
Other

ZV-2021-14224 – 645 SE Pounder Road– Notice of

Completed By H. Konopnicki Completion Date 03/03/2021

- 1.1.2** Failure to comply with a Stop Work Order may result in a Notice of Violation. See MCC 39.1540 (Stop Work Orders).
- 1.2** Respondent conducted or allowed others to conduct non-permitted ground disturbing activity and construction work within a Significant Environmental Concern – Stream (SEC-s) overlay area, including on the Property and in the SE Pounder Road public right-of-way adjacent to the Property. The Property and SE Pounder Road public right-of-way are adjacent to Pounder Creek.
 - 1.2.1** The location and design of any use, or change or alteration of a use, in an SEC overlay area is subject to an SEC permit. See MCC 39.5510 (Uses; SEC Permit Required).
 - 1.2.2** Respondent does not have any SEC permits authorizing property development, including ground disturbing activity, on the Property.
- 1.3** Respondent conducted or allowed others to conduct non-permitted development activity on the Property, specifically significant non-permitted ground disturbing activity, including grading and excavation work, without prior County review or approval.
 - 1.3.1** Certain ground disturbing activities cannot be conducted without a permit. See MCC 39.6210 (Permits Required).
 - 1.3.2** Respondent does not have any permit authorizing ground disturbing activities on the Property.
- 1.4** Respondents allowed and/or conducted non-permitted ground disturbing activity and construction work within the SE Pounder Road public right-of-way adjacent to the Property, directly impacting the ability of a County culvert to properly function.
 - 1.4.1** Under Multnomah County Road Rules (MCRR) 18.100, a permit is required for any construction, installation, or the placement of any object or fixture; or the planting or placement of any vegetation within the public right-of-way or for any modification of existing construction or use in the right-of-way, except as otherwise provided in the MCRR.
 - 1.4.2** Respondent does not have any permit authorizing use of the County right-of-way adjacent to the Property. See MCRR 18.100 (County Permit Required).

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**

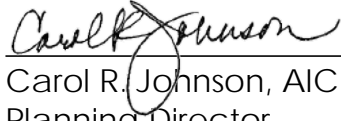
14 days of the date of this notice to:

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

Civil Fine Calculation Worksheet

Case – ZV-2021-14224 – March 3, 2021

Owner and/or Responsible Party:	Heather L. Moon		
Location:	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 Resource Area (SEC-s)		
Case#:	Zoning Violation (ZV)-2021-14224		

1. Violation of *Multnomah County Code (MCC) 39.1540 Stop Work Orders*

- a. **Specific violation:** Respondents failed to comply with the Stop Work Order posted for the property. Specifically, the continued non-permitted ground disturbance, grading and excavation work conducted after January 8, 2021, the date the Stop Work Order was posted. Inspections by County staff on January 8, 11, 13, 14, 20 and 25, 2021, verified that continuing non-permitted work was being conducted on the property.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

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

	X base		Y Multiplier		\$15		Amount
4	History		2	Action to Enforce			
2	Prior Violation		3	Gravity			
2	Repeated						
4	Cause						
2	Efforts to Correct						
14	TOTAL	X	5	TOTAL	X	\$15	= \$1,050.00

2. Violation of *Multnomah County Code (MCC) 39.5510 Uses; SEC Permit Required* (requiring compliance with approval standards and permit requirements).

- a. **Specific violation:** Significant grading and ground disturbance was conducted in an area of the property and adjacent right of way that is within the Significant Environmental Concern-streams (SEC-s) overlay area.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

X = [H+P+R+C+E] Y = [A x G]

	X base			Y Multiplier		\$15		Amount
4	History		2	Action to Enforce				
2	Prior Violation		3	Gravity				
2	Repeated							
4	Cause							
2	Efforts to Correct							
14	TOTAL	X	5	TOTAL	X	\$15	=	\$1,050.00

3. Violation of **Multnomah County Code (MCC) 39.6210 Ground Disturbing Activity and Stormwater - Permits Required** (limiting permissible uses and requiring compliance with approval standards and permit requirements).

a. **Specific violation:** Property owners allowed non-permitted property development and construction activity to be conducted on the property R994020700, specifically significant non-permitted ground disturbance, grading and excavation work, which resulted in unstable slopes, localized flooding, and erosion, without prior County review or approval.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

X = [H+P+R+C+E] Y = [A x G]

	X base			Y Multiplier		\$15		Amount
4	History		2	Action to Enforce				
2	Prior Violation		3	Gravity				
2	Repeated							
4	Cause							
2	Efforts to Correct							
14	TOTAL	X	5	TOTAL	X	\$15	=	\$1,050.00

4. Violation 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).

a. **Specific violation:** Respondents allowed and/or conducted non-permitted ground disturbance and construction work within the SE Pounder Road public right-of-way adjacent to the subject property, directly impacting the ability of a County culvert to properly function.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

X = [H+P+R+C+E] Y = [A x G]

	X base			Y Multiplier		\$15		Amount
4	History		2	Action to Enforce				
2	Prior Violation		3	Gravity				
2	Repeated							
4	Cause							
2	Efforts to Correct							
14	TOTAL	X	5	TOTAL	X	\$15	=	\$1,050.00

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.

Appeal of Notice of Violation

Notice of Violation Case #: _____

Address or Legal Description as listed in the Notice of Violation:

Appellant Name: _____ Phone: _____

Mailing Address: _____

Representative Name: _____ Phone: _____

Mailing Address: _____

(Attach to this appeal form, documentation demonstrating you are an authorized agent of the property owner.)

Briefly state what in the Notice of Violation you are appealing and why *(use additional paper as needed)*:

Appellant/Representative's Signature

Date

Code Enforcement Appeals Are Governed By:
Multnomah County Code (MCC) 39.1530, 39.1545, 39.1550

1. An Appeal of a fine imposed through a Notice of Violation must be filed within 14 days of the date of the notice. The Appeal fee of \$250.00 must be paid to Multnomah County.
2. Within 30 days from the date of filing this appeal, you must provide all evidence supporting the appeal to the Hearings Officer. Evidence may include: building permits, approved plans, photographs, aerial photographs, Assessment & Taxation records, letters, receipts, affidavits, written explanations or any other documents supporting the Appeal. **Appeal evidence is to be mailed to Attention of Administrative Staff, 1600 SE 190th Avenue, Portland, OR 97233.** The Hearings Officer may request additional evidence or explanations.
3. The Hearings Officer will review all evidence and written comments from interested parties, and determine by a preponderance of the evidence whether the violation(s) occurred and affirm the imposition and amount of the civil penalty. A Decision of Appeal will be mailed to the appellant, representative and interested parties who attend.

FOR STAFF USE ONLY – CASE NUMBER: ZV- _____

Appeal of Notice of Violation Fee: \$250.00

Received by: _____ Date: _____



M 522
**Multnomah
County**

LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

CERTIFIED MAIL®



7018 2290 0000 1907 0486



U.S. POSTAGE PITNEY BOWES



ZIP 97227 \$ 007.16⁰
02 1W
0001403604 MAR 03 2021

*LW
3-5-21*

ZV-2021-14224 NOV 03032021
HEATHER MOON
645 SE POUNDER RD
CORBETT OR 97019

NOV 03 09 21 DE 1 0000/21/21

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC
97233>5910
9701989660 RC

BC: 97233591000 *0129-02657-03-44



M 522

LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

REGISTERED
APR 23 2021

BT:.....

CERTIFIED MAIL



7018 2290 0000 1907 0530

ZV-2021-14224 NOV 03162021
MOON HEATHER
645 SE POUNDER RD
CORBETT OR 97019



U.S. POSTAGE PITNEY BOWES

ZIP 97227 \$ 007.16⁰
02 1W
0001403604 MAR 16 2021

NIXEE 98258 04/16/2021

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
SORT IN MANUAL ONLY NO AUTOMATION
BC: 56998999955



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ZV-2021-14224 NOV 03162021
 MOON HEATHER
 645 SE POUNDER RD
 CORBETT OR 97019



9590 9402 5407 9189 2679 85

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Mail
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt





Multnomah County

LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

M 5222

RETURN SERVICE REQUESTED

CERTIFIED MAIL



7018 2290 0000 1907 0530

ZV-2021-14224 NOV 03162021
MOON HEATHER
645 SE POUNDER RD
CORBETT OR 97019

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MOON HEATHER
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9590 9402 5407 9189 2679 85

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7018 2290 0000 1907 0530

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



M 522

LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

ZV-2021-14224 NOV 03 16 2021

MOON HEATHER

645 SE POUNDER RD

CORBETT OR 97019



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
Heather L. Moon) Zoning



Date: 03/16/2021
From C. Johnson

Please:

(1) **NATURE OF VIOLATION:** Respondent
relevant to this Notice of Civil Violation

1.1 Respondent failed to comply with
Property on April 28, 2020 and J
Respondent continued to condi
permitted ground disturbing act
excavation work, on the Propert

1.1.1 County staff observed Re
engaging in non-permitte
including grading and ex
posting of the Stop Work (r
inspections at the Propert
2021.

- Fax To: _____ # _____
- Photocopy # of Copies _____
- File Copy Needed
- Mail Case No. ZV-2021-14224 NOV CASE FILE 03162021
- Mailing List Attached
- Send 1 Original to Property Owner
- Mail Certified
- Mail Standard
- Mail To _____
MOON HEATHER
645 SE POUNDER RD
CORBETT OR 97019
- Other _____

ZV-2021-14224 – 645 SE Pounder Road– Notice

Completed By H. Konopnicki Completion Date 03/16/2021

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:

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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

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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**

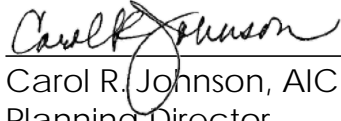
14 days of the date of this notice to:

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

Civil Fine Calculation Worksheet

Case – ZV-2021-14224 – March 3, 2021

Owner and/or Responsible Party:	Heather L. Moon		
Location:	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 Resource Area (SEC-s)		
Case#:	Zoning Violation (ZV)-2021-14224		

1. Violation of *Multnomah County Code (MCC) 39.1540 Stop Work Orders*

- a. **Specific violation:** Respondents failed to comply with the Stop Work Order posted for the property. Specifically, the continued non-permitted ground disturbance, grading and excavation work conducted after January 8, 2021, the date the Stop Work Order was posted. Inspections by County staff on January 8, 11, 13, 14, 20 and 25, 2021, verified that continuing non-permitted work was being conducted on the property.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

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

	X base		Y Multiplier		\$15		Amount
4	History		2	Action to Enforce			
2	Prior Violation		3	Gravity			
2	Repeated						
4	Cause						
2	Efforts to Correct						
14	TOTAL	X	5	TOTAL	X	\$15	= \$1,050.00

2. Violation of *Multnomah County Code (MCC) 39.5510 Uses; SEC Permit Required* (requiring compliance with approval standards and permit requirements).

- a. **Specific violation:** Significant grading and ground disturbance was conducted in an area of the property and adjacent right of way that is within the Significant Environmental Concern-streams (SEC-s) overlay area.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

X = [H+P+R+C+E] Y = [A x G]

	X base			Y Multiplier		\$15		Amount
4	History		2	Action to Enforce				
2	Prior Violation		3	Gravity				
2	Repeated							
4	Cause							
2	Efforts to Correct							
14	TOTAL	X	5	TOTAL	X	\$15	=	\$1,050.00

3. Violation of **Multnomah County Code (MCC) 39.6210 Ground Disturbing Activity and Stormwater - Permits Required** (limiting permissible uses and requiring compliance with approval standards and permit requirements).

a. **Specific violation:** Property owners allowed non-permitted property development and construction activity to be conducted on the property R994020700, specifically significant non-permitted ground disturbance, grading and excavation work, which resulted in unstable slopes, localized flooding, and erosion, without prior County review or approval.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

X = [H+P+R+C+E] Y = [A x G]

	X base			Y Multiplier		\$15		Amount
4	History		2	Action to Enforce				
2	Prior Violation		3	Gravity				
2	Repeated							
4	Cause							
2	Efforts to Correct							
14	TOTAL	X	5	TOTAL	X	\$15	=	\$1,050.00

4. Violation 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).

a. **Specific violation:** Respondents allowed and/or conducted non-permitted ground disturbance and construction work within the SE Pounder Road public right-of-way adjacent to the subject property, directly impacting the ability of a County culvert to properly function.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

X = [H+P+R+C+E] Y = [A x G]

	X base			Y Multiplier		\$15		Amount
4	History		2	Action to Enforce				
2	Prior Violation		3	Gravity				
2	Repeated							
4	Cause							
2	Efforts to Correct							
14	TOTAL	X	5	TOTAL	X	\$15	=	\$1,050.00

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.

Appeal of Notice of Violation

Notice of Violation Case #: _____

Address or Legal Description as listed in the Notice of Violation:

Appellant Name: _____ Phone: _____

Mailing Address: _____

Representative Name: _____ Phone: _____

Mailing Address: _____

(Attach to this appeal form, documentation demonstrating you are an authorized agent of the property owner.)

Briefly state what in the Notice of Violation you are appealing and why (use additional paper as needed):

Appellant/Representative's Signature

Date

Code Enforcement Appeals Are Governed By:
Multnomah County Code (MCC) 39.1530, 39.1545, 39.1550

1. An Appeal of a fine imposed through a Notice of Violation must be filed within 14 days of the date of the notice. The Appeal fee of \$250.00 must be paid to Multnomah County.
2. Within 30 days from the date of filing this appeal, you must provide all evidence supporting the appeal to the Hearings Officer. Evidence may include: building permits, approved plans, photographs, aerial photographs, Assessment & Taxation records, letters, receipts, affidavits, written explanations or any other documents supporting the Appeal. **Appeal evidence is to be mailed to Attention of Administrative Staff, 1600 SE 190th Avenue, Portland, OR 97233.** The Hearings Officer may request additional evidence or explanations.
3. The Hearings Officer will review all evidence and written comments from interested parties, and determine by a preponderance of the evidence whether the violation(s) occurred and affirm the imposition and amount of the civil penalty. A Decision of Appeal will be mailed to the appellant, representative and interested parties who attend.

FOR STAFF USE ONLY – CASE NUMBER: ZV- _____

Appeal of Notice of Violation Fee: \$250.00

Received by: _____ Date: _____

Civil Fine Calculation Worksheet

Case – ZV-2021-14224 – June 7, 2021

Owner and/or Responsible Party:	Heather L. Moon		
Location:	645 SE Pounder Rd, Corbett, OR 97019		
State ID:	1S 4E 02BA -00700		
Alt. Tax Account #:	R994020700		
Zoning:	Commercial Forest Use (CFU)-4		
Case#:	Zoning Violation (ZV)-2021-14224		

I. Violation of *Multnomah County Code (MCC) 39.1540 Stop Work Orders*

- a. Specific violation:** Respondents failed to comply with the Stop Work Order posted for the property. Specifically, the continued non-permitted ground disturbance, grading and excavation work conducted after January 8, 2021, the date the Stop Work Order was posted. Inspections by County staff on January 8, 11, 13, 14, 20 and 25, 2021, verified that continuing non-permitted work was being conducted on the property.

(14)(5)(\$15) = \$1,050.00 – Civil Fine Amount

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

	X base		Y Multiplier		\$15		Amount
4	History		2	Action to Enforce			
2	Prior Violation		3	Gravity			
2	Repeated						
4	Cause						
2	Efforts to Correct						
14	TOTAL	X	5	TOTAL	X	\$15	= \$1,050.00

2. Violation of **Multnomah County Code (MCC) 39.6210 Ground Disturbing Activity and Stormwater - Permits Required** (limiting permissible uses and requiring compliance with approval standards and permit requirements).

a. **Specific violation:** Property owners allowed non-permitted property development and construction activity to be conducted on the property R994020700, specifically significant non-permitted ground disturbance, grading and excavation work, which resulted in unstable slopes, localized flooding, and erosion, without prior County review or approval.

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