

CCPR2-2024-0006 RVC

JUAN CERVANTES
31535 SE DODGE PARK BLVD
GRESHAM OR 97080

MAILED: FIRST CLASS
11/14/2024
S. ROBISON

November 15, 2024

Juan Cervantes
31535 SE Dodge Park Blvd
Gresham, OR 97080

RE: Request for Voluntary Compliance

Subject Property: 31535 SE DODGE PARK BLVD, GRESHAM, OR 97080
State ID: 1S4E20AC -00700
Alt. Tax Acct #: R994201160
Zoning: Multiple Use Agriculture (MUA-20)
Code Case #: CCPR2-2024-0006

Dear Property Owner,

The Multnomah County Code Compliance Office received a community-generated complaint alleging code violation(s) at the subject property. Code Compliance Staff conducted a preliminary investigation to determine the validity of the complaint. Based on the evidence of the investigation, the Director has determined that the following violation(s) exist on the subject property, and will be subject to further processing under Code Case CCPR2-2024-0006:

- Non-permitted commercial use of a property in the MUA-20 base zone; and
- Non-permitted construction of two canopy structures (measuring approximately 30'x30' and 50'x30') in the MUA-20 base zone.

The above non-permitted development and use have been determined to be in violation of the following code section (a copy of the referenced code section is available online at the addresses provided):

Multnomah County Land Use Regulations (<https://multco.us/landuse/zoning-codes>)

- **Multiple Use Agriculture (MUA-20) Base Zone – Multnomah County Code (MCC) Section 39.4305 Uses**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4310 through 39.4320 when found to comply with MCC 39.4325 through 39.4345 provided such uses occur on a Lot of Record.

The purpose of this letter is to notify you of the Director's determination on investigation, and to offer you an opportunity to voluntarily resolve the alleged code violation(s) outside of a formal enforcement process.

What is Voluntary Compliance?

The Voluntary Compliance process is designed to encourage voluntary correction of violations of Multnomah County Code. This process serves as an alternative to enforcement measures as it provides you the opportunity to work with the Code Compliance office to satisfy code requirements without incurring fines. Once you have satisfied code requirements, the case will be closed and no further action will be necessary as long as you continue to comply with Multnomah County Code.

If a matter no longer appears to be progressing towards resolution through the Voluntary Compliance process, you may be subject to Enforcement Action through a written Notice of Violation affirmed by Final Order of a Multnomah County Hearings Officer. Such action may include demanding compliance and imposing civil fines of up to *\$3,500.00 per day, per violation*, until the violations are corrected.

This office would like to be able to close the code case on file for your property. In order to do this, the following required corrective action must be completed.

Required Corrective Action

1. **By December 15, 2024 (30 days from notice)**, have scheduled a virtual appointment with a Multnomah County Planner on Duty and a Code Compliance specialist to discuss the non-permitted development / use and options for resolution. Code Case Appointments may be scheduled online at the following link: <https://calendly.com/code-compliance/code-case-appointment>
2. If the Planner on Duty determines that a Pre-Filing or Pre-Application meeting is required in order to retroactively permit the development that has already occurred, **and your intent is to pursue retroactive permitting**:
 - a. **By January 15, 2025 (60 days from notice)**, have submitted the requisite meeting request to the Land Use Planning (LUP) office to prepare for the submission of a land use permit application to potentially authorize the non-permitted development / use. Additional information about requesting a Pre-Filing Meeting is available at:
<https://www.multco.us/code-compliance/voluntary-compliance#meetings>.
To request assistance with the scheduling process, please contact the LUP office by phone at (503)-988-3043 or by email at land.use.planning@multco.us.

3. By May 15, 2025 (180 days from notice),

- a. Have submitted the application(s) identified by LUP as necessary to bring the property into full compliance.
 - i. If the application is approved, complete all required conditions of approval in the sequence outlined in the written decision.
 - ii. If the application is withdrawn, abandoned, or results in a denial at the conclusion of all options for appeal, within 30 days of the applicable event, have completed (b) below.

-OR-

- b. Have ceased and/or removed all non-permitted development and have scheduled an inspection with Code Compliance Office to verify that the required corrective action has been completed. Inspections may be scheduled online at the following link:

<https://calendly.com/code-compliance-inspections/east-county-inspection>

Once you have completed the Required Corrective Action outlined above, you will receive written notification from this office confirming that the Code Case has been closed as a result of voluntary compliance.

Please contact me at (503) 988-0184 (luc.compliance@multco.us) if you have any questions regarding this letter.

Thank you.



Heidi Konopnicki, Code Compliance Specialist

Attachments:

Appendix A: Summary of Complaint Investigation

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Multnomah County received complaint CCINT-2024-0055 on 08/19/2024. The complaint alleged a non-permitted commercial use of the property 31535 SE Dodge Park Blvd Gresham OR, which involves the storage, building and refurbishing of hundreds of wood pallets stacked onsite.

Code Compliance Staff conducted a preliminary document review after receiving the complaint. A review of aerial imagery revealed stacks of pallets appearing on the property as of 2022 and increasing in number in 2023. Two large canopy-type structures were also observed to have been erected between 2020 and 2022. Per Multnomah County zoning maps, the subject property was determined to have a Multiple Use Agriculture (MUA-20) base zone. A review of Multnomah County Code (MCC) requirements for the base zone found that County review and approval would be required prior to the type of development / change of use that was documented in the complaint and observed in the aerial photos. However, Code Compliance Staff were unable to find any record of approval for the development or use within Multnomah County permit records.

Multnomah County Code Compliance staff conducted a field inspection from a public location on 10/16/2024. During the field inspection, the inspector observed the continued presence of large stacks of pallets on the property, as well as a commercial vehicle (box truck) with J.R.K Transportation notated on the door. A search of the Oregon Business Registry identified an active business registration under this name with a principal place of business at the subject property. The registration describes the business activity as “Cargo deliveries. No hazardous material”. During the inspection, an individual who identified himself as the property owner approached the inspector. After discussing the reason for the inspection, the property owner indicated that he would like to discuss permit options for the commercial activity with Multnomah County. The inspector indicated that Code Compliance would follow up with a written notice to the property owner outlining required corrective action.

Conclusion of investigators:

The evidence found during inspection appears to validate the allegation(s) of the complaint.

Attachment: Site Inspection Photos / Aerial Imagery

Site Inspection Photos



Stacked pallets on subject property 10/6/2024



Commercial vehicle at subject property 10/16/2024

Aerial Imagery



Aerial Photo 2020



Aerial Photo 2022



Aerial Photo 2023