

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:

Juan A. Cervantes
31535 SE Dodge Park Blvd
Gresham, OR 97080



9590 9402 6837 1074 3506 15

2. Article Number (Transfer from service label)

7022 3330 0000 7032 8875

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Cervantes

☐ Agent☒ Addressee

B. Received by (Printed Name)

LGRF

C. Date of Delivery

7/25/25

D. Is delivery address different from the
If YES, enter delivery address below

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☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

CCPR2-2024-0006 NOV

Juan A Cervantes

31535 SE Dodge Park Blvd
Gresham, OR 97080

Mailed 7/25/2025

Via Certified Mail

7022 3330 0000 7032 8875

Prepared by: H Konopnicki

July 25, 2025

Respondent: Juan A. Cervantes
31535 SE Dodge Park Blvd
Gresham, OR 97080

Subject Property: 31535 SE Dodge Park Blvd Gresham OR
State ID: 1S4E20AC -00700
Alt. Tax Account #: R994201160
Zoning: Multiple Use Agriculture (MUA-20)
Case #: CCPR2-2024-0006

Multnomah County)
) NOTICE OF CIVIL VIOLATION
v.)
) Zoning Violation CCPR2-2024-0006
Juan A. Cervantes)

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

- 11 Respondent established and continues to operate a pallet refurbishing business occupying a majority of the area of the subject property outside of the single-family dwelling.
- 12 Respondent erected or allowed to be erected two permanent canopy-type structures measuring approximately 30'x 30' and 50'x 30' on the subject property between the years of 2021 and 2022.
- 13 In the MUA-20, commercial activity and the erection of structures such as those described above cannot be conducted without a permit. *See* Multnomah County Code (MCC) 39.4305 (*Uses*).
- 14 Respondent does not have a permit authorizing commercial activity or the erection of the canopy structures on the subject property.
- 15 Respondent was provided with an opportunity to resolve the alleged code violation through voluntary corrective action, but did not participate in that process.

(2) **CIVIL FINES:** Pursuant to *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 based on the activity described in Section 1:

21 CONTINUING CIVIL FINE of \$660.⁰⁰ **per day for the violation listed below**, beginning on the date of this notice and continuing until the violations are corrected, **except** that the civil fine shall not accrue from the time that an application seeking to resolve the below violation is received by the Land Use Planning office and until a written determination is made on that application or the application is withdrawn by the applicant.

2.1.1 The acts described in Section 1.1 and 1.2 of this Notice of Civil Violation constitute a violation of MCC **39.4305 Uses** within the Multiple Use Agriculture (MUA-20) base zone (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).

(3) 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:

31 **Immediately** cease all non-permitted uses, including non-permitted commercial activity, until such time that an application for commercial use of the subject property consistent with the scope of development necessary to conduct this activity is approved by the County.

-AND-

32 Of the following:

3.2.1 Submit to the Land Use Planning office an application seeking approval for the two permanent canopy-type structures measuring approximately 30'x30' and 50'x30';

-OR-

3.2.2 Remove those structures from the subject property and restore the impacted areas of the subject property to their pre-development condition.

33 Of the following:

3.3.1 If the required permit application(s) are approved: **Complete** all work and conditions of approval required by the permit application approval in the timeline specified by the approval;

-OR-

3.3.2 If the required permit application(s) are not approved and you have either accepted the decision or have utilized all appeal rights provided by relevant

code and statute, then the following needs to be undertaken: **Within 15 days of the final decision**, schedule and attend a meeting with staff from the Code Compliance and Land Use Planning offices to discuss the options available for moving forward with the resolution of this compliance case.

- (4) **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
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:

MARGI BRADWAY, DIRECTOR OF MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES



Megan Gibb
Planning Director
Land Use Planning Division

Enclosures:
Fine Calculation Form
Appeal of Notice of Violation Form

Zoning Violation Civil Fine Calculation Worksheet

Case – CCPR2-2024-0006 – July 25, 2025

Respondent: Juan A. Cervantes
 Subject Property: 31535 SE Dodge Park Blvd Gresham OR
 State ID: 1S4E20AC -00700
 Alt. Tax Account #: R994201160
 Zoning: Multiple Use Agriculture (MUA-20)
 Case #: CCPR2-2024-0006

1. Violation of *Multnomah County Code (MCC)39.4305 Uses:*

- a. **Specific violation:** Respondent established and continues to operate a pallet refurbishing business occupying a majority of the area of the subject property outside of the single-family dwelling.
- b. **Specific violation:** Respondent erected or allowed to be erected two permanent canopy-type structures measuring approximately 30'x 30' and 50'x 30' on the subject property between the years of 2021 and 2022.

(11)(4)(\$15) = \$660 – Civil Fine Amount

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

	X base			Y Multiplier		\$15		Amount
4	History		1	Action to Enforce				
1	Prior Violation		3	Gravity				
2	Repeated							
2	Cause							
2	Efforts to Correct							
11	TOTAL	X	4	TOTAL	X	\$15	=	\$660

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:

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

- (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 #: CCPR2-2024-0006

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

31535 SE Dodge Park Blvd, Gresham, OR 97080

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: _____

Appeal of Notice of Violation Fee: \$250.00

Received by: _____ Date: _____