



City of Portland, Oregon
Bureau of Development Services
Inspection Services - Enforcement
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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NOTICE OF CODE VIOLATIONS

November 8, 2011

PORTLAND, CITY OF
BUREAU OF PARKS & RECREATION
1120 SW 5TH AVE #1302
PORTLAND, OR 97204-1912

RE: Case #: 11-184994-CC
Location: 350 SW SALMON ST (LOWNSDALE SQUARE PARK) & 350 W/ SW SALMON ST (CHAPMAN SQUARE PARK)
Tax Acct #: R667706370 & R667706450
Zoning: OSd, Open Space Zone with a Design Overlay and within the Central City Plan District

The Bureau of Development Services works in cooperation with citizens and property owners to maintain safe and livable neighborhoods in the City of Portland. We received a report and verified on October 28, 2011 that conditions at your property are in violation of Portland Zoning Code, Oregon Revised Statutes, Oregon Administrative Rules, Property Maintenance Regulations, Oregon Structural Specialty Code, and National Electrical Code. Please review your options for correcting the violation(s) and call me, Michael Liefeld, at 503-823-7332 to discuss resolution of your case.

CITED VIOLATIONS:

1. **Violation: Establishment of a Community Service Use (Occupy Portland) in an Open Space zone without Conditional Use Review approval.** (Section 33.100.100 and 33.920.420 of the Portland Zoning Code)

Correction of violation:

- a. Cease and discontinue the Community Service Use (Occupy Portland) at the properties.
- b. Obtain approved Conditional Use Review to establish a Community Service Use at the properties. ¹

Please see Code Information on next page for footnotes listed above

2. **Violation: Establishment of a Recreational Park-Campground without obtaining required permits (Area Development Permit).** (Oregon Administrative Rule 918-650-0020 & -0025, Oregon Revised Statute 455.680 (1) & (3))

Correction of violation:

- a. Cease and discontinue using the property as a Recreational Park-Campground. ²
- b. Obtain Area Development permits and receive inspection approvals for establishment of a Recreational Park-Campground. ³

Please see Code Information on next page for footnotes listed above

3. **Violation:** Human waste and waste material (used toilet paper and plastic containers containing urine) on the ground around the portable restrooms at the south side of Chapman Square creating an unsanitary condition. (Section 29.20.010.H.1 of the Property Maintenance Regulations)

Correction of violation:

- a. Remove and keep removed all human waste and waste materials.

4. **Violation:** Electrical conduit on the roof structure of the permanent restroom at the south side of Chapman Square is being used to support an overhead tarp. The conduit is bent at an angle, apparently from the tension of the rope attached to it. Conduit cannot be used as a means of support. (National Electrical Code 300.11(B))

Correction of violation:

- a. Cease and discontinue using the electrical conduit to support and provide tension for tarps.

5. **Violation:** Construction of structures has been performed without the required building permits, inspections and approvals (Oregon Structural Specialty Code 105).
- Construction of an enclosed 8 foot by 8 foot hard walled structure used for human occupancy in Chapman Square, near 4th Ave. without required permits, inspections, and approvals.
 - Construction of a 200 square foot "trellis structure, with accompanying 2x4 lumber tri-pods approximately 12 feet high to support tarps connected to and covering the trellis structure, at the north side of Lowndale Square near 3rd & Salmon.

Correction of violation:

- a. Dismantle and remove the structures from the property.
b. Obtain building permits and receive inspection approvals to legalize the structures. ⁴

Please see Code Information on next page for footnotes listed above

6. **Violation:** Operation of a generator with premises wiring without approved electrical permits and inspections for required bonding. Alternating –current systems that supply premises wiring and premises wiring systems shall be grounded. (National Electrical Code 250.20 (B))

Correction of violation:

- a. Cease and discontinue using the generator to provide premises wiring system and instead connect each separate piece of equipment directly to the generator.
b. Obtain electrical permits and receive inspection approvals to supply a premises wiring system from the generator (multiple outlets, spider boxes, daisy chaining outlets, etc). ORS 479.620 requires that all electrical work be done by a licensed electrician working for a licensed electrical contractor. ⁴

Please see Code Information on next page for footnotes listed above

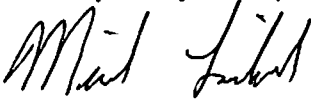
7. **Alleged Violation:** Operating or permitting the use or operation of sound producing equipment in such a manner as to cause a noise disturbance; or operating or permitting the operation or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling units which is not the source of the sound. (Section 18.12.020.B of the Portland Noise Ordinance)
- Correction of violation:**
- Cease immediately the use of all sound producing equipment in excess of permissible noise levels especially between the hours of 10 p.m. and 7 a.m. ⁵

You have 30 days from the date of this notice to correct the violation(s). You must call for a re-inspection to close your case without incurring a fee.

- If the violation(s) continue uncorrected beyond the deadline, a monthly code enforcement fee is charged as a lien against your property. The monthly fee will be imposed until the violation(s) are corrected, a reinspection is requested and city staff verifies correction of cited violations. It is your responsibility to inform me when the violations are corrected. If the violations continue uncorrected three (3) months from the initial notice of violation, the monthly code enforcement fee doubles.
- For complete details on fees, appeals, or to see if you may qualify for an enforcement fee waiver, please refer to the information at the end of this letter. You may appeal this notice within fifteen (15) days from the date of this notice by paying a \$100.00 Appeal fee and writing to the address located at the top of the letter.

If you have any questions regarding this notice or to schedule a reinspection, please contact me at 503-823-7332.

Thank you for your cooperation,



Michael Liefeld
Section Manager, Neighborhood Inspections & Compliance Services
503-823-7332

cc: File

CODE INFORMATION

This notice does not reflect violations on the property cited by other City of Portland bureaus, departments, or other government agencies.

- The Conditional Use Review is a discretionary land use review that requires approximately 12-16 weeks to process. A Pre-Application Conference is required. The Conditional Use Review is a discretionary process with no guarantee of approval. If you would like to consider this option please meet with the Planning and Zoning Staff to discuss the Conditional Use review proposal, process, and submittal fees. Planning and Zoning Staff are available at the Development Services Center, 1900 Building - 1900 SW 4th Avenue, first floor, and telephone (503) 823-7526. The DSC (1st floor) and Permitting Services (2nd floor) are open Tuesday through Friday from 8:00 a.m. to 3:00 p.m.

(closed on Mondays). In the DSC, Land Use, Site Development or Building Permit application review, submittal or intake of complete permits/applications will be limited to between 8:00 a.m. and 12:00 p.m. Land Use applications and Building Permit review or intake will not be processed after 12:00 p.m. Please visit the BDS website for more information regarding the Development Services Center hours. It would be helpful to bring this letter with you.

- ² Oregon Administrative Rules 918-650 govern areas designated by the person establishing, operating, managing, or maintaining the same as being for overnight camping by the general public or any segment of the population. This includes areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership.
- ³ A Recreational Park-Campground shall not be established without first obtaining all required permits from the issuing authorities and paying the prescribed permit fees. An Area Development Permit is required to legalize a Recreational Park-Campground at this site. The Area Development Permit does not include permits or related fees for buildings, manufactured dwellings installations, accessory buildings and structures, mechanical, plumbing or electrical systems, boilers, elevators, or permits required by other agencies as specified in OAR 918-650-025. Please contact Terry Whitehill, Plan Review Supervisor, at 503-823-7639 to apply for an Area Development Permit.
- ⁴ Permits are obtained at the Development Services Center, located at the Bureau of Development Services, 1900 SW 4th Avenue, 1st floor, telephone (503) 823-7310. The DSC (1st floor) and Permitting Services (2nd floor) are open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). In the DSC, Land Use, Site Development or Building Permit application review, submittal or intake of complete permits/applications will be limited to between 8:00 a.m. and 12:00 p.m. Land Use applications and Building Permit review or intake will not be processed after 12:00 p.m. Please visit the BDS website for more information regarding the Development Services Center hours.
- ⁵ Eight separate complaints have been received regarding noise disturbances impacting residential properties in the area. The noise disturbances include the use of drums, microphones, and megaphones past 10 p.m. and often throughout the night. The complaints indicate that the noise is so loud as to wake individuals up and keep them awake during the night. A noise variance has not been granted for any activity at these parks.



City of Portland, Oregon
Bureau of Development Services
Compliance Services

1900 SW 4th Avenue, Suite 5000
 Portland, Oregon 97201
 503-823-7305
 Fax 503-823-7915
 TTY 503-823-6868
www.portlandonline.com/bds

Fees, Penalties, Reviews, Appeals, and Waiver Information

FEES

If all violations **are not** corrected, inspected, and approved by the City Inspector within thirty (30) days of the mailing date of the first violation letter, a lien may be placed against the property. The monthly fee is based on the number of units on the property and the number of units in violation.

1-2 Units \$233.00 per unit	3 – 10 Units \$350.00 per unit	11 – 19 Units \$467.00 per unit	20 or more Units \$583.00 per unit	Residential with Non-Residential use & Properties with only Non-Residential use \$583.00 per unit
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An additional auditor charge of 10% will be added to the above amounts, along with a possible recording fee. The monthly fees will double for any property that remains in violation for three (3) months from the initial notice of violation.

Hearings: A \$326.00 penalty will be assessed if the City files a complaint with the Code Hearings Officer regarding the continued existence of violations on the property.

ADMINISTRATIVE REVIEW – Do Violations Exist?

- As the property owner or authorized agent, if you believe the finding of the notice was in error you may request an Administrative Review within 15 days of the posting notice or within 15 days of the first violation notice. Code enforcement fees will continue to accrue during the review process.
- If additional violations are cited, any property owner or authorized agent may also request an Administrative Review of additional cited violations within 15 days of the date of the notice citing those additional violations.
- An Administrative Review Appeal Fee of \$100.00 is due when the written request for an Administrative Review is requested. This fee will only be refunded if it is determined that all of the contested violations were cited in error.

The written request, along with the \$100.00 Administrative Review fee, must be received in our office within 15 days of original notification and must state the reason(s) for the review. Please make the check payable to the City of Portland:

Mail requests to:

Bureau of Development Services
 Neighborhood Inspections & Compliance Services Section
 Review/Appeal Desk
 1900 SW 4th Avenue Suite 5000
 Portland OR 97201

Your request should indicate if you or a representative of the property owner will be appearing in person for the review. If so, we will notify you and/or your representative of the date and time of the review. A written determination will be mailed following the review, which will include additional appeal information as set forth in Section 29.80.020.

Code Enforcement Fee Waivers (Zoning, Construction w/o Permit and Noise Cases)

A waiver provides for temporary suspension of code enforcement fees assessed against a property. Waivers are available on a limited basis. Call 503-823-0891 for more information or to request an application.

Income-Based Waiver

Upon approval of this waiver, monthly Code Enforcement Fees may be suspended for up to (twelve) 12 months. The following requirements must all be met before the waiver may be granted:

1. The property is owner-occupied or vacant; and
2. There is no construction work occurring without required permits; and
3. The property is clear of any other code violation administered by BDS; and
4. The dwelling is a one or two family residence; and
5. The property owner(s) must meet the income requirements by providing required documentation.
6. The cited violation does not involve a violation of Zoning Code allowed uses.

New Owner Grace Period

(no application required)

Upon approval of this waiver, Code Enforcement Fees may be suspended for one (1) month. The following requirements must be met before the waiver may be granted:

1. The new owner acquired the property with pre-existing housing violations of Title 29; and
2. The existing liens have been satisfied or paid current and the City Auditor's Office has notified BDS of a new owner; and
3. The case is currently open.

Active Permit Waiver

Upon approval of this waiver, monthly Code Enforcement Fees may be suspended for up to six (6) months. The following requirements must all be met before the waiver may be granted:

1. All required permits have been issued to correct the cited code violations;
2. Ongoing approved inspections are being obtained; and
3. This waiver may be extended as required inspection approvals are obtained.
4. Waiver for issued Zoning Permits only up to 30 days.

Land Use Review Waivers

(no application required)

Upon approval of this waiver, monthly Code Enforcement Fees may be suspended during the time a Land Use Review (LUR) application is being considered. The following requirements must all be met before the waiver may be granted:

1. The building is secured against entry and the property is fenced to ensure the public's protection if necessary;
2. If a Pre-application Conference is required and has been scheduled, then a complete LUR application is to be submitted and accepted within 30 days of the Pre-application Conference for Type II Reviews and within 60 days of a Type III Review;
3. If a Pre-application Conference is not required or when an LUR application is submitted after a Pre-application Conference, an extension will be granted until the end of review process or 120 days, whichever occurs first; and
4. After a decision is issued, a 30 day extension will be granted to comply with the issued decision unless the decision sets specific timelines.

Warehouse Waivers

(available for vacant commercial properties for Construction w/o Permit cases)

Upon approval of this waiver, Code Enforcement Fees may be suspended for up to 12 months. The following requirements must be met before the waiver can be granted.

1. Inspector approval is required for this waiver;
2. The property is vacant with no exterior Fire Life Safety violations;
3. There are no immediate interior hazards, i.e. electrical, mechanical or plumbing.
4. The building is secured against entry and the property is fenced to ensure the public's protection;
5. A document is recorded against the title at the Multnomah County Recorder's Office regarding the open violation case; the applicant will pay the recording fees; and
6. The property is clear of any other violations administered by BDS.

All information is subject to change.