



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

Dan Saltzman, Commissioner  
 Paul L. Scarlett, Director  
 Phone: (503) 823-7306  
 Fax: (503) 823-7915  
 TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**NOTICE OF CODE VIOLATIONS**

November 8, 2011

WRIGHT, MICHAEL J & LINDA M &  
 COSSETTE, DANIEL L & DONNA L  
 607 NE 151ST AVE  
 PORTLAND, OR 97230

**RE:** Case #: 11-184318-CC  
 Location: 4TH & W BURNSIDE ST & BURNSIDE & NW 4TH AVE  
 Tax Acct #: R180202270 & R180202290  
 Zoning: CXdCCCJ, Central Commercial with a Design Overlay, located within the Central City Plan District and New Chinatown / Japantown Historic 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 that your property is in violation of Oregon Revised Statutes, Oregon Administrative Rules, Oregon Structural Specialty Code, and the Portland Zoning 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 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. <sup>1</sup>
  - b. Obtain Area Development permit and receive inspection approvals for establishment of a Recreational Park-Campground. <sup>2</sup>

Please see Code Information on next page for footnotes listed above
  
2. **Violation:** Construction of a fence greater than six feet in height without the required building permit or Historic Design Review approval. (Section 33.445.320 of the Portland Zoning Code and Section 105 of the Oregon Structural Specialty Code)  
  
**Correction of violation:**
  - a. Remove and/or reduce all portions of fence on the property so that no portion of fence is more than six feet in height from finished grade. <sup>3</sup>
  - b. Obtain the required building permit and Historic Design Review land use review approval to legalize the fence. Fences over 6 feet in height require a building permit and Historic Design Review approval. <sup>4</sup>

Please see Code Information on next page for footnotes listed above

November 8, 2011

**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  
Michael Wright, 4833 SE 137<sup>th</sup> Ave, Portland OR 97236  
Daniel & Donna Cossette, 2505 SE Lake Rd, Milwaukie OR 97222  
Ibrahim Mubarak, Right 2 Dream Too, 4635 NE Garfield Ave, Portland OR 97211

#### CODE INFORMATION

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

- <sup>1</sup> 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.
- <sup>2</sup> 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.
- <sup>3</sup> Fences greater than six feet in height require building permits. One option is to reduce the height of the fence to not

more than 6 feet above grade so that a building permit is not required.

- <sup>4</sup> Obtain the required building permit to legalize the fence (fences over 6 feet in height require a building permit). To obtain permits you must provide plans showing compliance with the Oregon Structural Specialty Code, City Brochure number 3, and the minimum submittal requirements to obtain the required permits. Additionally, if you wish to legalize the fence to remain above six feet in height, then the fence will also require a Historic Design Review land use review approval.

Applications for and information about land use reviews and construction permits may be obtained at the Development Services Center (DSC) at 1900 SW 4th Avenue, first floor. 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. If you wish to contact the DSC via telephone, please call (503) 823-7526 for land use review information and fees, and (503) 823-7310 for permit information and fees. Additional information is contained in the enclosed brochure(s). It is helpful to bring this letter with you.



**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](http://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.

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## **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 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.