

# Development Services

## From Concept to Construction

Phone: 503-823-7300 Email: [bds@portlandoregon.gov](mailto:bds@portlandoregon.gov) 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



### APPEAL SUMMARY

**Status:** Decision Rendered

**Appeal ID:** 21918

**Project Address:** 10717 SE Division St

**Hearing Date:** 9/25/19

**Appellant Name:** Jocosa Bottemiller

**Case No.:** B-012

**Appellant Phone:** 5036657777

**Appeal Type:** Building

**Plans Examiner/Inspector:** Nancy Thorington

**Project Type:** commercial

**Stories:** 1 **Occupancy:** Business Group B **Construction Type:** III-B

**Building/Business Name:** Portland Sand & Gravel

**Fire Sprinklers:** No

**Appeal Involves:** Correction of a violation, other: No-build Easement

**LUR or Permit Application No.:** 15-218196-PR

**Plan Submitted Option:** pdf [File 1] [File 2] [File 3]

**Proposed use:** Existing office

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** OSSC 506.2-1026.6, OSSC Table 602

**Requires** OSSC Table 602 requires a minimum of 10' of fire separation distance from a second structure.

**Proposed Design** Building "A" is a Type III-B structure (brick exterior, wood-framed interior, tin/sheet metal exterior roof) with an occupancy type of Business Group B (office). The no-build easement is intended to meet the 10' minimum fire separation distance requirement from the (to be) confirmed lot line to the west of the building and any potential structures that might be built on the confirmed lot. At its closest point, Building "A" is 3.3' east of the lot line to be confirmed. The no-build easement would be located in the southeast corner of the confirmed lot, 6.75' west by 41.76' north of said corner. Alterations to Building "A" are not proposed.

**Reason for alternative** A no-build easement is required to complete the proposed lot confirmation, which would restore a property line 3.3' south of the existing building. All confirmed lots are subject to environmental clean-up requirements before they can be sold for development purposes. The clean-up of the lots is targeted from west to east, a no-build easement is required as the company will remain in business during the clean-up stage(s). The proposed no-build easement will provide equivalent life safety/fire protection to that required by the code – 10' of unobstructed area/clearance along the west side of the building.

### APPEAL DECISION

**Omission of fire rated construction within 10 feet of the West property line with no build easement: Granted provided the easement is a minimum of 6.75 feet wide and 41.76 feet in length.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.



25  
16  
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Multnomah County Official Records  
Cindy Swick, Deputy Clerk

2008-045239



\$41.00

1R-B&S DEED  
\$25.00 \$11.00 \$5.00

03/25/2008 02:43:57 PM  
Cnt=1 Stn=21 ATEB

After recording return to:  
C&C Ventures  
7210 SE 156th Avenue  
Portland, OR 97236

Until a change is requested all tax statements  
shall be sent to the following address:  
Griff's Rock Bottom Investments, LLC  
7210 SE 156th Avenue  
Portland, OR 97236

File No.: 7074-1191619 (tlb)  
Date: March 11, 2008

**STATUTORY BARGAIN AND SALE DEED**

**William B. Craswell and Janet J. Craswell, Trustees, or their successors in trust, under the William B. Craswell and Janet J. Craswell Trust dated June 11, 2004 as to an undivided 50% interest**

and

**Robert A. Craswell and Debra Craswell, Trustees, or their successors in trust, under the Robert A. Craswell Revocable Living Trust dated the 24th day of September, 2004 as to an undivided 50% interest, Grantor, conveys to C & C Ventures, LLC, Grantee, the following described real property:**

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$none**. (Here comply with requirements of ORS 93.030)

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RECORDED BY  
FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON  
NO. 1191619 FH

APN:

Bargain and Sale Deed  
- continued

File No.: 7074-1191619 (tb)  
Date: 03/11/2008

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 19 day of March, 202008.

**William B. Craswell and Janet J. Craswell Trust**

By: William B. Craswell, Trustee  
**William B. Craswell, Trustee**

By: Janet J. Craswell, Trustee  
**Janet J. Craswell, Trustee**

**Robert A. Craswell Revocable Living Trust**

By: Robert A. Craswell  
**Robert A. Craswell, Trustee**

By: Debra Craswell  
**Debra Craswell, Trustee**

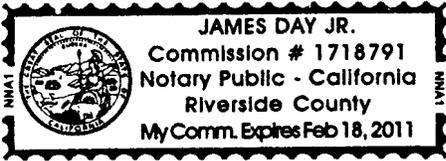
APN:

Bargain and Sale Deed  
- continued

File No.: **7074-1191619 (tb)**  
Date: **03/11/2008**

STATE OF CALIFORNIA )  
 )ss.  
County of RIVERSIDE )

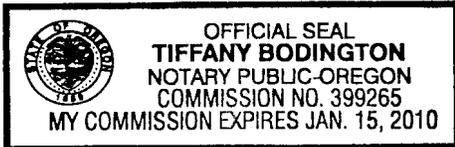
This instrument was acknowledged before me on this 19<sup>th</sup> day of MARCH, 2008  
by William B. Craswell and Janet J. Craswell as Trustees of William B. Craswell and Janet J. Craswell  
Trust, on behalf of the Trust.



James Day Jr.  
Notary Public for THE STATE OF CALIFORNIA  
My commission expires: FEB. 18, 2011

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 12 day of march, 2008  
by Robert A. Craswell and Debra Craswell as Trustees of Robert A. Craswell Revocable Living Trust, on  
behalf of the Trust.



Tiffany Bodington  
Notary Public for Oregon  
My commission expires:

## EXHIBIT A

### LEGAL DESCRIPTION:

PARCEL 1: LOT ELEVEN (11), EVERGLADE, IN THE COUNTY OF MULTNOMAH, STATE OF OREGON.

PARCEL 2: BEING 1.82 ACRES OF LAND WITH THE BUILDINGS THEREON, IN THE EAST CORNER OF A CERTAIN 10 ACRE TRACT OF LAND CONVEYED BY ELIZABETH G. WILLIAMS TO EDWIN H. STEVENS AND OSSIE STEVENS, MARCH 25, 1927 BY DEED RECORDED IN DEED BOOK 1097 AT PAGE 246 OF LAND RECORDS OF MULTNOMAH COUNTY, OREGON AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHERLY BOUNDARY OF SECTION LINE ROAD, WHICH IS THE SOUTHEAST CORNER OF SAID 10 ACRE TRACT; GO NORTHERLY 310 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 256.76 FEET TO A POINT, THENCE SOUTHERLY AT RIGHT ANGLES 310 FEET TO SAID NORTHERLY BOUNDARY OF SAID ROAD; THENCE EASTERLY IN THE NORTHERLY BOUNDARY OF SAID ROAD 256.76 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THE EAST 100 FEET CONVEYED TO PORTLAND SAND AND GRAVEL COMPANY BY DEED RECORDED OCTOBER 27, 1959 IN BOOK 1918, PAGE 193, DEED RECORDS, AND FURTHER EXCEPTING THAT PART TAKEN FOR THE WIDENING OF S. E. DIVISION ST.

### PARCEL 3:

FIVE (5) ACRES OFF THE WEST END OF THE FOLLOWING TRACT OF LAND CONTAINING IN ALL FIFTEEN ACRES OR LAND AND BEING 1/3 OF THE FOLLOWING DESCRIBED TRACT, TO WIT: BEGINNING AT A POINT IN THE CENTER OF THE COUNTY ROAD KNOWN AS SECTION LINE ROAD IN SAID COUNTY OF MULTNOMAH, STATE OF OREGON AT THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED BY JOHN W. MINTO, JANE G. BALL, AND BY MILES BELL, HER HUSBAND TO PHILO HOLBROOK BY DEED RECORDED AT PAGE 160, OF BOOK 159 OF THE RECORDS OF DEEDS FOR SAID COUNTY AND STATE, AND RUNNING THEN EASTERLY ALONG THE CENTER OF SAID SECTION LINE ROAD ABOUT 29.17 RODS TO A POINT MIDWAY BETWEEN THE POINT OF BEGINNING HEREIN AND THE EAST LINE OF LEVI W. NELSON D.L.C.; THENCE NORTHERLY ABOUT 82.33 1/3 RODS TO A POINT IN THE NORTH LINE OF A TRACT OF LAND FORMERLY OWNED BY THE SAID JOHN W. KINTO AND JANE O. BELL, AND WHICH TRACT WAS CONVEYED TO THEM BY A. C. EDMUNDS AND WIFE, BY TWO CERTAIN DEEDS RECORDED AT PAGE 65 OF BOOK 115, AND PAGE 230 OF BOOK 157 OF SAID RECORDS OF DEEDS OF MULTNOMAH COUNTY, OREGON, AND WHICH LAST MENTIONED POINT IS MIDWAY BETWEEN EAST LINE OF SAID LEVI W. NELSON D.L.C.; AND THE NORTHEAST CORNER OF THE TRACT OF LAND ABOVE MENTIONED WHICH WAS CONVEYED TO SAID PHILO HOLBROOK, THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT FORMERLY OWNED BY SAID JOHN W. MINTO, AND JANE G. BELL ABOUT 29.17 RODS TO THE NORTHEAST CORNER OF SAID TRACT OF LAND CONVEYED BY THE SAID PHILO HOLBROOK, THENCE SOUTHERLY ABOUT 82 1/3 RODS TO THE PLACE OF BEGINNING, CONTAINING 15 ACRES OF LAND, MORE OR LESS, ALL OF THE ABOVE DESCRIBED LAND BEING IN SECTION 3, TOWNSHIP 1 SOUTH AT RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, AND BEING THE SAME LANDS DESCRIBED AT PAGE 352 OF BOOK 259, IN DEED TO WILLIAM KIRBY RECORDED OCTOBER 11, 1900, IN RECORDS OF DEEDS OF MULTNOMAH COUNTY, OREGON SAID TRACT BEING ABOUT 82 1/3 RODS NORTH AND SOUTH BY ABOUT 9.73 RODS EAST AND WEST EXTENDING ABOUT 9.73 RODS WEST FROM THE WEST LINE OF THE MCKENZIE TRACT. IT IS INTENDED TO INCLUDE IN THIS DESCRIPTION ALL THAT PORTION OF SAID TRACT NOT CONVEYED TO GEORGE MCKENZIE BY DEED RECORDED AT PAGE 16, VOLUME 555, DEED RECORDS OF MULTNOMAH COUNTY, OREGON.

ALSO, BEGINNING AT THE SOUTHWEST CORNER OF A TRACT OF LAND IN THE LEVI W. NELSON D.L.C. CONVEYED BY A.C. EDMUNDS AND SARAH A. EDMUNDS, HIS WIFE, TO J.W. MINTO AND J. G. BELL, BY DEED DATED THE 22ND DAY OF APRIL 1891, RECORDED IN BOOK 157, PAGE 230, THENCE RUNNING NORTHERLY ALONG THE WEST LINE OF SAID TRACT EIGHTY-TWO AND ONE-THIRD (82 1/3) RODS TO THE NORTHWEST CORNER OF THE SAME; THENCE ALONG THE NORTH LINE OF SAID TRACT EASTERLY TO A POINT SO FAR DISTANT THAT A LINE DRAWN THEREFROM SOUTHERLY AND PARALLEL WITH THE WEST LINE OF THE TRACT ABOVE REFERRED TO AND EXTENDED TO THE SOUTH LINE OF SAID TRACT WILL CUT OFF AN AREA OF SIX (6) ACRES TO THE WEST SIDE OF SAID TRACT; THENCE RUNNING SOUTHERLY AND PARALLEL WITH THE WEST SIDE OF SAID TRACT AS AFORESAID EIGHTY-TWO-AND ONE THIRD (82 1/3) RODS TO THE SOUTH LINE OF SAID TRACT; THENCE WESTERLY ON THE SOUTH LINE OF SAID TRACT, TO THE PLACE OF BEGINNING CONTAINING SIX (6) ACRES.

ALSO, THE NORTH SEVEN AND ONE-HALF (7 1/2) ACRES OF THAT CERTAIN TEN (10), ACRES OF LAND INCLUDED IN AND BEING A PORTION OF THAT PORTION OF THE LEVI W. AND NANCY J. NELSON D.L.C. IN SECTION 3, TOWNSHIP 1 SOUTH OF RANGE 2 EAST OF WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE CENTER OF THE COUNTY ROAD KNOWN AS THE SECTION LINE ROAD IN SAID COUNTY, AT THE SOUTHEAST CORNER AT A TRACT OF LAND CONVEYED BY JOHN W. MINTO, JANE G. BELL AND MILES BELL, HER HUSBAND, TO PHILO HOLBROOK BY DEED RECORDED AT PAGE 160 OF BOOK 159, RECORDS OF DEEDS FOR MULTNOMAH COUNTY, OREGON, AND RUNNING THENCE EASTERLY ALONG THE CENTER OF THE SECTION LINE ROAD ABOUT 29.17 RODS TO A POINT MIDWAY BETWEEN THE POINT OF BEGINNING HEREIN AND THE EAST LINE OF SAID LEVI W. NELSON D.L.C.; THENCE NORTHERLY ABOUT 82 1/3 RODS TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND FORMERLY OWNED BY JOHN W. MINTO AND JANE J. BELL, WHICH TRACT WAS CONVEYED TO THEM BY A.C. EDMUNDS AND WIFE BY TWO CERTAIN DEEDS RECORDED AT PAGE 68 OF BOOK 116, AND PAGE 230 OF BOOK 157 AT DEEDS FOR MULTNOMAH COUNTY, OREGON, WHICH POINT IS MIDWAY BETWEEN THE EAST LINE OF THE LEVI W. NELSON D.L.C. AND THE NORTHEAST CORNER OF THE TRACT OF LAND ABOVE MENTIONED CONVEYED TO SAID PHILO HOLBROOK; THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT FORMERLY OWNED BY JOHN W. MINTO AND JANE G. BELL ABOUT 29.17 RODS TO THE NORTHEAST CORNER OF THE SAID TRACT OF LAND CONVEYED TO SAID PHILO HOLBROOK; THENCE SOUTHERLY ABOUT 82 1/3 RODS TO THE PLACE OF BEGINNING.

ALSO, A ONE-HALF (1/2) ACRES TRACT OF LAND BEING IN THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND CONVEYED BY ELIZABETH G. WILLIAMS TO EDWIN H. STEVENS AND OSSIE STEVENS BY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK OF MULTNOMAH COUNTY, OREGON, ON THE 31ST DAY OF MARCH, 1927, IN BOOK 1097, PAGE 246, SAID ONE-HALF ACRE TRACT OF LAND BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT OF LAND CONVEYED BY ELIZABETH G. WILLIAMS, AFORESAID TO EDWIN H. STEVENS AND OSSIE STEVENS, AFORESAID; THENCE RUNNING EASTERLY ON SAID SECTION LINE ROAD A DISTANCE OF APPROXIMATELY 64 FEET; THENCE NORTHERLY AND AT RIGHT ANGLES WITH SAID SECTION LINE ROAD A DISTANCE OF 310 FEET; THENCE WESTERLY A DISTANCE OF APPROXIMATELY 64 FEET; THENCE SOUTHERLY A DISTANCE OF APPROXIMATELY 310 FEET: TO THE POINT OF BEGINNING, CONTAINING ONE-HALF ACRE, MORE OR LESS, IN MULTNOMAH COUNTY, OREGON.



STATEWIDE LAND SURVEYING INC.

**Case File:** 15-218196-PR – Lot Confirmation at 10717 SE Division St

**Planner:** Jason Richling, City Planner  
BDS Planning and Zoning Review  
[Jason.Richling@portlandoregon.gov](mailto:Jason.Richling@portlandoregon.gov)  
503-823-7509

**Life Safety Plans Examiner:** Kathy Aulwes  
BDS Plan Review/Permitting Services  
[Katherine.Aulwes@portlandoregon.gov](mailto:Katherine.Aulwes@portlandoregon.gov)  
503-823-7327

**Client Contact:** Jocosa Bottemiller, Planning Coordinator  
Statewide Land Surveying, Inc.  
[jocosa@statewidesurveying.com](mailto:jocosa@statewidesurveying.com)  
503-665-7777

## Narrative

Note: This project was originally submitted as a Lot Confirmation + Property Line Adjustment. It has now been determined by the Planner that only a Lot Confirmation is required.

A no-build easement as described below is being requested to benefit Building “A” on the attached survey:

### EXHIBIT “A” – NO-BUILD EASEMENT

A NO-BUILD EASEMENT LOCATED IN THE NORTH 41.76 FEET OF THE SOUTH 88.26 FEET OF THE EAST 6.75 FEET OF THE FIRST PARAGRAPH OF PARCEL 3 OF DEED DOCUMENT NO. 2008-045239, MULTNOMAH COUNTY DEED RECORDS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON.

Items referenced in the Life Safety Plans Examiner’s comments are addressed below:

1. Building Area allowances based on construction type, sprinkler type and frontage increases. (OSSC 506.2).  
Building “A” is a Type III-B single-story, non-sprinklered office for a sand and gravel company. An increase in building size is not proposed.



STATEWIDE LAND SURVEYING INC.

2. Wall rating requirements at the south wall based on fire separation distance, construction type and occupancy type (OSSC 602).

Building "A" is a Type III-B structure with an occupancy type of Business Group B. The no-build easement is intended to meet the 10' minimum fire separation distance requirement for any structures that may be built on the (to be) confirmed lot to the west of the building. At its closest point, Building "A" is 3.3' east of the lot line to be confirmed. The no-build easement would be located in the southeast corner of the confirmed lot, 6.75' west by 41.76' north of said corner.
3. Projection allowances based on fire separation distance (OSSC705.2).

The eaves of Building "A" extend from the north and south faces. There are no stairs, cornices, balconies, etc. that extend from the west side of the building.
4. Percentage of opening allowances at the wall based on fire separation distance and sprinkler system. (OSSC 705.8).

Building "A" is non-sprinklered and has two 32" high by 38" wide windows on the west side. The west wall is 20.25' long and 12.5' at the roof peak centerline.
5. Egress Court Width and Fire Ratings (OSSC 1027.4)

The front door (3' wide) of Building "A" opens at grade with access to the sidewalk on SE Division Street approximately 11' away. The back door (3' wide) of Building "A" opens at grade to the north and there is clear ground around the building to walk to the sidewalk on SE Division Street.
6. Exterior Stair Fire Ratings (OSSC 1026.5 and 1026.6)

Building "A" has no exterior stairs.