

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: 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: 15367	Project Address: 3919 N Ballast St
Hearing Date: 7/12/17	Appellant Name: SANDER KOHLER
Case No.: B-023	Appellant Phone: 5032261285
Appeal Type: Building	Plans Examiner/Inspector: Kathy Aulwes
Project Type: commercial	Stories: 1 Occupancy: B, S-1, F-1 Construction Type: V-B
Building/Business Name:	Fire Sprinklers: Yes - Throughout
Appeal Involves: Alteration of an existing structure	LUR or Permit Application No.: 16-227338-CO-REV-01
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Manufacturing, storage, office

APPEAL INFORMATION SHEET

Appeal item 1

Code Section 1027.5

Requires The exit discharge shall provide a direct and unobstructed access to a public way.

Proposed Design An ingress, egress, and utility easement has been filed and recorded. This was in response to the need for a storm drain line to cross the property line to a treatment facility, as well as the need to have vehicular traffic access to the rear loading area at 3919 Ballast (the area of work).

We propose to utilize this easement to allow egress from the 3919 Ballast property through the 5016 property to a public way.

This appeal is a check sheet item required by Kathy Aulwes.

Reason for alternative This easement provides an exit path to the public way along N Channel Ave. The easement will allow egress from the rear door of the 3919 N. Ballast St. warehouse building, which currently have no access to the public way. This easement will be reviewed by Nancy Thorington. The easement will remain in good condition and will be in compliance with the applicable Oregon Specialty Codes.

APPEAL DECISION

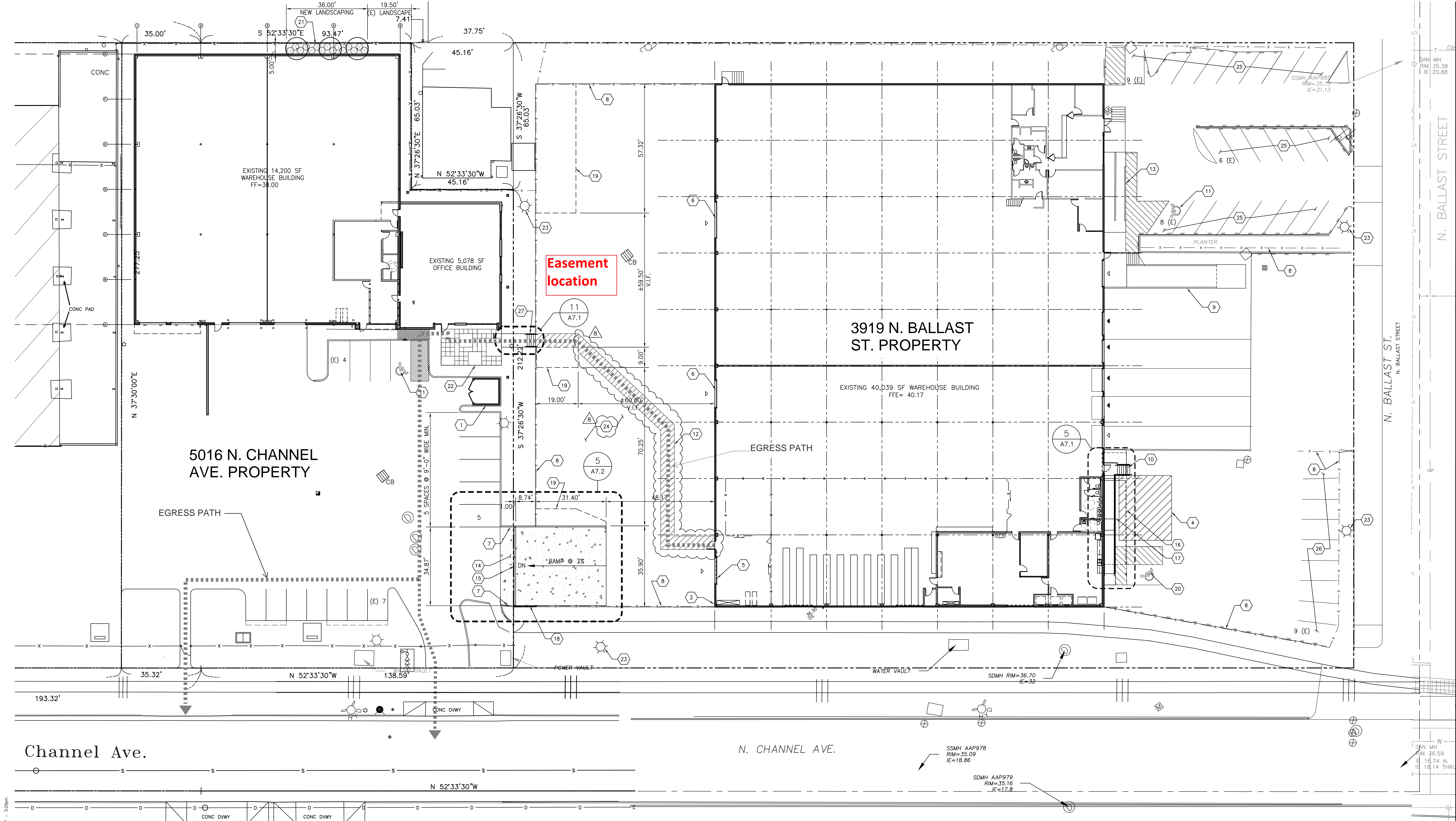
Access to Public Way with egress across property line: Granted provided the existing easement is modified to include egress from 3919 N Ballast St prior to plan review approval of the tenant improvement.

The easement must be reviewed and approved by BDS prior to recording. Appellant may contact Nancy Thorington (503-823-7023) for assistance.

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 180 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.

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E:\projects\15\0002\02 TCM Ballast Building\CURRENT\INTERIOR PERMIT\A01 SITE PLAN.dwg Jun 14, 2017 3:29pm

LEGEND

— x — x — x —	FENCE	— PWR — PWR — PWR —	POWER POLE
— ss — ss — ss —	SANITARY SEWER LINE	— GAS — GAS — GAS —	GAS LINE
⊙	SANITARY MANHOLE		
— sd — sd — sd —	STORM DRAIN LINE		
⊙	STORM MANHOLE		
— v — v — v —	WATER LINE		
⊙	VALVE		
(E)	EXISTING		
⊙	METER		
⊙	FIRE HYDRANT		
⊙	CATCH BASIN		
		—	POWER LINE
		—	GAS LINE
		—	NEW CONCRETE
		—	SIGN
		—	FOUND MONUMENT AS NOTED
		—	LIGHT POLE
		—	MANHOLE
		—	DRIVE-IN OVERHEAD DOOR
		—	DOCK-HIGH OVERHEAD DOOR

KEYNOTES

- (E) ADJACENT PROPERTY TRASH/RECYCLING ENCLOSURE
- NEW IRRIGATION VALVE BOX-- COORD. LOCATION W/ TCM AND IRRIGATION SUBCONTRACTOR
- EXTENTS OF FUTURE RAMP, DEMO (E) CONCRETE PAD AS NECESSARY FOR FUTURE INSTALLATION OF CONCRETE RAMP AND 6" THICK RETAINING WALLS.
- EXISTING TRASH/RECYCLING AREA TO REMAIN
- NEW OVERHEAD DOOR
- (E) OVERHEAD DOOR
- NEW CURB-- MATCH EXISTING SIZE
- (E) CHAIN-LINK FENCE-- 8'-0" TALL W/ VINYL SLATS
- (E) CONCRETE FORK LIFT RAMP
- NEW STAIRS-- SEE 5 & 6/A7.1
- (E) ADA PARKING SPACE
- 6' WIDE STRIPED PEDESTRIAN PATH
- (E) ADA RAMP
- NEW CONCRETE DRIVE
- NEW TRENCH DRAIN-- SEE CIVIL DOCUMENTS
- (E) CONCRETE FORK LIFT RAMP TO BE DEMOLISHED
- NEW CONCRETE ADA RAMP AND LANDING-- SEE A2.1.
- NEW CHAIN-LINK FENCE W/ VINYL SLATS AND BARBED WIRE TO MATCH EXISTING ADJACENT-- BARBED WIRE 6" MIN. ABOVE TOP OF FENCE
- SAW (E) CONCRETE SLAB & REMOVE CONCRETE. SEE E1.0 FOR MORE INFO.
- ADA ACCESSIBLE PARKING SPACE W/ SIGNAGE. SEE 7/C4.0 FOR MORE INFO.
- NEW "L1" LANDSCAPE AREA ADJACENT TO EXISTING LANDSCAPE-- 178 SF TOTAL. SEE PLANT MATERIALS LEGEND FOR MORE INFORMATION
- (E) CONCRETE PATIO
- NEW LIGHT POLE
- NON-HAZARDOUS STORAGE AREA S-1
- (E) PARKING FOR ADJACENT TENANT
- (E) PARKING FOR TENANT AREA OF WORK
- NEW CONCRETE STAIR

PROJECT NORTH SITE PLAN

GENERAL NOTES

- CONTRACTOR SHALL VERIFY AND CONFIRM EXISTING CONDITIONS SHOWN OR IMPLIED ON DRAWINGS PRIOR TO START OF CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES.
- TYPICAL CURB RADIUS = 4' UNLESS NOTED OTHERWISE.

PLANT MATERIALS LEGEND

⊙	EUROPEAN HORNBEAM	CARPINUS BETULUS 'FASTIGIATA'	2" CAL.
⊙	JAPANESE PHOTINIA	PHOTINIA GLABRA	2 GAL.

IMPROVEMENTS FOR

TCM- BALLAST BUILDING

3919 N BALLAST ST.
PORTLAND, OR 97217

ARCHITECTURAL SITE PLAN

A0.1

JOB NO. 150092.02

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CIDA
ARCHITECTURE
ENGINEERING
PLANNING
INTERIORS

15895 SW 72ND AVE SUITE 200
PORTLAND, OREGON 97224
TEL: 503.226.1285
FAX: 503.226.1870
WWW.CIDAINC.COM

REGISTERED ARCHITECT
#4212
TARA W. LUND
PORTLAND, OR
STATE OF OREGON

ISSUED DATE
4 12.5.16 CITY COMMENTS
5 2.16.17 VE REVISIONS
6 4.26.17 PERMIT REVISION 1
7 5.24.17 STRUCTURAL COMMENTS
8 5.30.17 PLANNING COMMENTS
9 6.6.17 SITE DEVELOPMENT COMMENTS
10 6.14.17 LIFE SAFETY COMMENTS

After Recording Return to:
J. Terrence Bittner
Bittner & Hahs, P.C.
4949 SW Meadows Road, Ste 260
Lake Oswego, OR 97035

Multnomah County Official Records
R Weldon, Deputy Clerk

2017-022519

02/21/2017 10:39:25 AM

1R-EASEMT Pgs=8 Stn=0 ABELLER
\$6.00 \$40.00 \$11.00 \$20.00

\$77.00

Until a change is requested, all tax
statements shall be sent to the following
name and address:

James F. Culbertson
6310 SW Patton Road
Portland, OR 97221

The true and actual consideration paid
for this transaction is: \$0.00

INGRESS, EGRESS, AND UTILITY EASEMENT

DATE: 16th day of February, 2017

Parties: 5016 N Channel Avenue LLC ("5016")
4800 N Channel Avenue
Portland, Oregon 97217

JFC Lacy, LLC ("JFC Lacy")
4800 N Channel Avenue
Portland, Oregon 97217

RECITALS

A. 5016 is the owner of real property located at 5016 NW Channel Avenue, Portland, Oregon 97712, the legal description of which is:

PARTITION PLAT 2004-145, LOT 2

TOGETHER WITH those private access easements recorded March 4, 1969
in Book 665, Page 1443 and as delineated on recorded Partition Plat No.
2004-145, situated in the County of Multnomah, State of Oregon.

B. JFC Lacy is the owner of real property which is adjacent to the property owned by
5016, the address of which is 3919 N Ballast Street, Portland, Oregon 97217, the legal
description of which is attached as Exhibit "A".

After Recording Return to:
J. Terrence Bittner
Bittner & Hahs, P.C.
4949 SW Meadows Road, Ste 260
Lake Oswego, OR 97035

Until a change is requested, all tax
statements shall be sent to the following
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4800 N Channel Avenue
Portland, Oregon 97217

JFC Lacy, LLC ("JFC Lacy")
4800 N Channel Avenue
Portland, Oregon 97217

RECITALS

A. 5016 is the owner of real property located at 5016 NW Channel Avenue, Portland, Oregon 97712, the legal description of which is:

PARTITION PLAT 2004-145, LOT 2

TOGETHER WITH those private access easements recorded March 4, 1969
in Book 665, Page 1443 and as delineated on recorded Partition Plat No.
2004-145, situated in the County of Multnomah, State of Oregon.

B. JFC Lacy is the owner of real property which is adjacent to the property owned by 5016, the address of which is 3919 N Ballast Street, Portland, Oregon 97217, the legal description of which is attached as Exhibit "A".

- C. The property owned by 5016 is referred to herein as the “Burdened Property.”
- D. The property owned by JFC Lacy is referred to herein as the “Benefitted Property.”

E. JFC Lacy desires access to the northwest side of its building through a portion of the Burdened Property for parking, deliveries, and garbage pickup. A sewer line will need to be developed between the garbage collection area and connected to the existing sewer line on the Burdened Property.

F. 5016 is willing to grant to JFC Lacy the necessary sewer line easement and the easement for ingress and egress only, on the terms and conditions set forth below.

EASEMENTS

It is therefore agreed:

1. 5016 hereby grants easements to JFC Lacy, limited to the specific purposes described below, over that portion of the Burdened Property as described on Exhibit “B” and illustrated on Exhibit “C”. Both Exhibits are attached hereto and incorporated by reference.

INGRESS AND EGRESS EASEMENT

- 1.1 Except as provided in Section 2, below, no part of the easement shall be used by JFC Lacy for any purpose other than ingress and egress for its owners, employees, lessees and authorized guests and no part of the easement shall be blocked at any time by parked vehicles or otherwise.
- 1.2 Use of the easement by JFC Lacy shall not be exclusive and may be used by the owner, employees, lessees and the authorized guests of 5016 for any purpose, provided normal ingress and egress to JFC Lacy is not blocked.
- 1.3 Ingress and egress shall be restricted to normal sized commercial vehicles. No oversized vehicles shall be permitted which may cause damage to the Burdened or Benefitted Property or which would prevent use by the Burdened Property.
- 1.4 Any party using the easement, and the party authorizing the use shall be responsible to the owner of the Burdened Property for any damage caused by any misuse or violation of the easement granted herein.

UTILITY EASEMENT

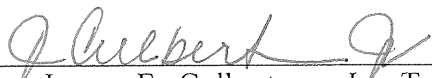
2. Within the Ingress and Egress Easement, provided in Section 1 above, 5016 hereby grants an easement from the boundary of its property, to connect with the water collection drain beginning on the north side of the Benefitted Property, to run through the Burdened Property, to the sewer line currently existing on the Burdened Property. The precise location and manner of connecting the two lines shall be determined by the

Owner of the Burdened Property, in its sole discretion. The owner of the Burdened Property may change the location of the easement, at its expense, at any time, in its sole discretion, provided the functionality of the easement is not materially and adversely affected.

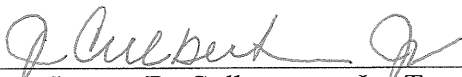
MISCELLANEOUS TERMS

3. The owner of the Benefitted Property shall be responsible to share, equally, the cost of all maintenance costs associated with the easements granted herein.
4. The utility easement shall run with the land. The ingress and egress easement shall be terminable by the owner of the Burdened Property upon thirty (30) days written notice to the owner of the Benefitted Property, and the owner of the Burdened Property may thereafter record a termination of the easement in Multnomah County, Oregon without further notice or permission by the owner of the Benefitted Property.
5. If any arbitration, suit, or action is instituted to interpret or enforce the provisions of this Easement, the party prevailing on an issue will be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in the preparation, prosecution, or defense of such arbitration, suit, or action as determined by the arbitrator or trial court, and if any appeal is taken from such decisions, reasonable attorney fees as determined on appeal.
6. The parties agree that the remedy at law for any breach or threatened breach by a party may, by its nature, be inadequate, and that the other parties will be entitled, in addition to damages, to a restraining order, temporary and permanent injunctive relief, specific performance, and other appropriate equitable relief, without showing or proving that any monetary damage has been sustained.

5016 N Channel Avenue, LLC


By: James F. Culbertson, Jr., Trustee of the
James F. Culbertson, Jr. Revocable Trust,
Member

JFC Lacy, LLC


By: James F. Culbertson, Jr. Trustee of the
James F. Culbertson, Jr. Revocable Trust,
Member

STATE OF OREGON)
) ss.
COUNTY OF _____)

Personally appeared before me on the _____ day of _____, 2017, the above-named James F. Culbertson, Jr., Trustee of the James F. Culbertson, Jr. Revocable Trust who did say he was a member of 5016 N Channel Avenue, LLC, and that this instrument was signed in behalf of said limited liability company by authority of its operating agreement; and acknowledged that he executed the foregoing as its voluntary act and deed.

NOTARY PUBLIC for Oregon,
My Commission expires: _____.

STATE OF OREGON)
) ss.
COUNTY OF _____)

Personally appeared before me on the _____ day of _____, 2017, the above-named James F. Culbertson Jr., Trustee of the James F. Culbertson, Jr. Revocable Trust who did say he was a member of JFC Lacey, LLC, and that this instrument was signed in behalf of said limited liability company by authority of its operating agreement; and acknowledged that he executed the foregoing as its voluntary act and deed.

see attached

NOTARY PUBLIC for Oregon,
My Commission expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

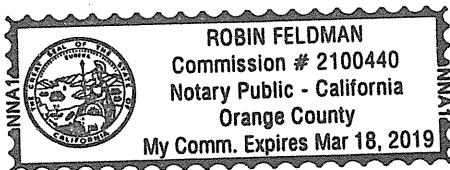
State of California)

County of Orange)On Feb. 16, 2017 before me, Robin Feldman,
Date Here Insert Name and Title of the Officerpersonally appeared James Colbertson Jr.
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Easement Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

EXHIBIT A
LEGAL DESCRIPTION

Real property situated in Section 20, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah, and State of Oregon, bounded and described as follows:

Beginning at the point lying 2331.75 feet South of and 666.57 feet East of the Northwest corner of Section 21; thence North $84^{\circ} 21' 20''$ West, a distance of 1102.35 feet to a point of curve; thence along the arc of a 12° curve right having a radius of 477.46 feet and a central angle of $31^{\circ} 47' 50''$, a distance of 264.90 feet to the point of tangency; thence North $52^{\circ} 33' 30''$ West, a distance of 734.83 feet; thence North $37^{\circ} 26' 30''$ East, 54.5 feet to a $\frac{3}{4}$ " iron pipe and the true point of beginning, said point being South 1637.35 feet and West 1224.15 feet from the Northeast corner of said Section 20; thence North $52^{\circ} 33' 30''$ West, 364.50 feet; thence North $37^{\circ} 26' 30''$ East, 277.25 feet; thence South $52^{\circ} 33' 30''$ East, 372.25 feet to an iron rod; thence South $37^{\circ} 26' 30''$ West, 254.25 feet to an iron pipe; thence along the arc of a curve to the right having a radius of 38 feet and a central angle of $37^{\circ} 14' 52''$, a distance of 24.70 feet to the true point of beginning.

EXHIBIT "B"

JANUARY 10, 2017
ACCOUNT NO.: 16.157EZMT
(REVISED JANUARY 16, 2017)

LEGAL DESCRIPTION FOR JAY CULBERTSON
(INGRESS, EGRESS & UTILITY EASEMENT)

A TRACT OF LAND BEING A PORTION OF PARCEL 2, PARTITION PLAT NO. 2004-145, A DULY RECORDED PLAT SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE N.37° 26'30"E., ALONG THE EAST LINE THEREOF, A DISTANCE OF 145.34 FEET; THENCE N.52° 33'30"W., PARALLEL WITH THE SOUTH LINE OF SAID PARCEL 2, A DISTANCE OF 71.00 FEET TO A 1.17" COPPER DISK STAMPED "MARX ASSOCS"; THENCE S.38° 28'30"W., A DISTANCE OF 124.64 FEET TO A 1.17" COPPER DISK STAMPED "MARX ASSOCS"; THENCE CONTINUING S.38° 28'30"W., A DISTANCE OF 20.72 FEET TO A POINT IN THE SOUTH LINE OF SAID PARCEL 2; THENCE S.52° 33'30"E., ALONG SAID SOUTH LINE, A DISTANCE OF 73.61 FEET TO THE POINT OF BEGINNING.

EXHIBIT C

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR INGRESS, EGRESS AND GENERAL UTILITY PURPOSES,
BEING A PORTION OF PARCEL 2, PARTITION PLAT 2004-145

SITUATED IN THE N.E. 1/4, SECTION 20, T.1N., R.1E., W.M,
CITY OF PORTLAND MULTNOMAH COUNTY, OREGON

MARX ASSOCIATES

18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALE@MARXASSOCS.NET

DATE: JANUARY 17, 2017
ACCOUNT NO. 16157
DRAWING NO. 16157LGL

MARX ASSOC
COPPER DISC

PARTITION PLAT
NO. 2004-145,
PARCEL 2,

EASEMENT
CONTAINS
10,508 SF

SCALE: 1"=30'

S38°28'30"W
20.72'

MARX ASSOC
COPPER DISC

S52°33'30"E 73.61'

N37°26'30"E 145.34'

A PARCEL OF LAND SITUATED IN THE
SOUTHEAST ONE-QUARTER OF SECTION 20,
TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE
WILLAMETTE MERIDIAN, IN THE CITY OF
PORTLAND, COUNTY OF MULTNOMAH, STATE
OF OREGON, SAID PARCEL BEING DESCRIBED
AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE
NORTHEAST CORNER, SECTION 20, BEARS
NORTH 1637.35 FEET AND EAST 1224.15 FEET;
THENCE NORTH 52° 33' 30" WEST, 364.50
FEET TO THE EASEMENT POINT OF BEGINNING,
SAID POINT OF BEGINNING BEING THE S.E.
CORNER, PARCEL 2, PARTITION PLAT NO.
2004-145;

NORTH CHANNEL AVENUE
94.0' WIDE

15.00'

39.50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
DANIEL R. BAUER
2123

EXPIRATION DATE: 12/31/17