



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
 FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
 Paul L. Scarlett, Director  
 Phone: (503) 823-7300  
 Fax: (503) 823-5630  
 TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** December 16, 2014  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
 503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 14-221059 AD**

**GENERAL INFORMATION**

**Applicant:** Phil Krueger, Orangewall Studios  
 240 N Broadway Suite 202 / Portland, OR 97227

**Owner:** Steve Day, Pacific Crest Securities  
 111 SW 5th Ave, Floor 42 / Portland, OR 97204

Metro 4008 SE Division St LLC  
 3914 SW Martins Lane / Portland, OR 97239

**Site Address:** 4010 SE DIVISION ST

**Legal Description:** BLOCK 2 E 1/2 OF LOT 13 W 12 1/2' OF LOT 15, RICHMOND ADD  
**Tax Account No.:** R703800480  
**State ID No.:** 1S1E12AA 00400  
**Quarter Section:** 3334  
**Neighborhood:** Richmond, Douglas Klotz at 503-233-9161.  
**Business District:** Division-Clinton Business Assn, Darice Robinson at 503-233-1888.  
**District Coalition:** Southeast Uplift, Bob Kellett at 503-232-0010.  
**Zoning:** CSm (Storefront Commercial with a Main Street Overlay)  
**Case Type:** Adjustment Review  
**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

**Proposal:** The applicant is proposing construction of a 3-story, 10-unit multi-dwelling residential development on this site. Plans were submitted and approved that included a 6-foot-wide pedestrian connection on the east side of the property, as required by the Code. The applicant wishes to reduce the width of the proposed pedestrian connection to allow a small landscaped area on the west side of the property, in order to create a buffer for the adjacent neighbor. Exceptions to the required pedestrian standards are approved through Adjustment Reviews, if all of the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore, the applicant is requesting approval of an Adjustment to Zoning Code Section 33.130.240 B.2, to reduce the width of the pedestrian connection from six feet to five feet.

**Relevant Approval Criteria:** To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

## ANALYSIS

**Site and Vicinity:** The applicant's site is a 3,750 square-foot property that is located on the south side of SE Division Street, about 138 feet west of the intersection with SE 41<sup>st</sup> Avenue. The site is currently vacant. The abutting properties, to the west and east of the site are both developed with residences, which are allowed uses in the City's commercial zones. The rest of the area around the site has a mixture of commercial and residential development, with more of the properties that abut Division Street being devoted to small scale retail and other commercial uses. On the streets to the north and south of Division, the development is more consistently residential, including both single-dwelling and low to medium density multi-dwelling structures. A Portland Public School District facility is located at SE 41<sup>st</sup> and SE Caruthers, to the northeast of the site.

**Zoning:** This site is zoned CS, Storefront Commercial. This zone is intended to preserve and enhance older commercial areas that have a storefront character. New development in these areas, under the standards of the CS zone, should be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Residential uses are also allowed. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The site also has a "m" or Main Street Corridor Overlay Zone designation. The "m" Overlay encourages higher density residential uses by allowing greater building heights, reducing required building coverage for residential development; and allowing more flexibility in site design. The intent of the zone is to provide transit-supportive levels of residential and mixed-use development along identified main streets.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **October 23, 2014**. The following Bureaus have responded with no issues or concerns:

- Water Bureau provided information on the existing water service that is available and requirements on water service expansion for the proposed development (Exhibit E-1).
- Life Safety Plan Review Section of BDS noted that the applicant has been in contact with their review staff regarding permit requirements (Exhibit E-2).
- Parks-Forestry Division provided information on street tree requirements (Exhibit E-3).
- Environmental Services, Fire Bureau and Site Development Section of BDS each provided a response of "no concerns," (Exhibit E-4).
- Transportation Engineering did not provide a response.

**Neighborhood Review:** A total of six written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. All of these responses expressed opposition to approval of the requested Adjustment.

The first response stated that the subject site was formerly the location of a, "meth house," which burned down. The neighbor stated that they, "wanted to confirm that the owners would be properly dealing with the decontaminated soil before building on this lot," (Exhibit F-1).

*(Staff Note: Any onsite pollution, including contaminated soils must be dealt with for all building sites, in accordance with City Codes and State Building regulations prior to issuance of permits.)*

The Chair of the Richmond Neighborhood Association (RNA) sent a response that recounted previous discussions that had occurred between the applicant and the site's abutting property

owner to the west, as reported to the Chair by this property owner. Included in the reported discussions were several offers, counter offers and refusals between the various parties and a reported disclaimer by the abutting neighbor to the west of the site, stating that the proposed landscape buffer that the applicant is proposing is not only unneeded but actually actively disliked and rejected as potentially causing further issues with a pre-existing drainage problem for this neighbor. The neighborhood Chair continues in his letter, reporting that the neighbor stated that, rather than providing a buffer and landscaping screen, the applicant is actually just trying to construct a building that would be one-foot wider than would otherwise be allowed, unless an easement was granted on the neighbor's property.

Following this description, that was provided by the abutting neighbor, the letter notes that a special meeting was called for the RNA Board on November 12, in order to meet the deadline for comments on this case. The abutting neighbor to the west and two other neighbors attended, along with a quorum of the RNA Board. An otherwise unanimous vote, with one abstention, was cast to oppose the Adjustment request. The letter then presented arguments that addressed the Adjustment Approval Criteria, arguing that the 6-foot width required for pedestrian connections should be maintained in order to serve potential future demands on the site, despite the current proposal to only have residential use of the site. The letter also further argued that the only purpose for the requested Adjustment was to allow a design for, "a structure that is too large for the property" The letter concluded with an expression of dissatisfaction that the neighborhood was not able to be able to extend the comment period, and had to, instead, call the special meeting of the board to discuss the proposal (Exhibit F-2).

The neighbors who own the property that abuts the site on the east sent a letter that stated that they were traveling and not in a position to draft a formal objection, due to difficulty in accessing a computer. However, their email stated that they were in agreement with issues raised by the abutting neighbor to the west. They also included a copy of an email that they sent to the Richmond Neighborhood Board that stated their opposition, based on their opinion that the proposed building was too large for the site and that an appropriate design should not require any exceptions to the standards of the Zoning Code (Exhibit F-3).

A respondent who is the Past President of the Division/Clinton Business Association sent a letter that stated that, "we endorse the objections," that had been voiced by the abutting neighbors and the RNA Board. The letter further stated that, while acknowledging that residential uses are allowed in the zone, "we think it is a poor choice." The respondent expressed concerns that the residential development might adversely affect the small businesses in the area (Exhibit F-4).

A neighbor, who is also a RNA Board Member, wrote to independently express her objections to the proposal. This neighbor stated that the five-foot pedestrian connection is not adequate to serve the residents of the proposed development. This neighbor further stated that the activities that would potentially occur on the pedestrian walkway needed the full six feet that the CS zone requires and that the one-foot separation that would be provided on the west side would serve no purpose (Exhibit F-5).

A second neighbor who is also a RNA Board Member, commented to state that the six-foot width for the pedestrian connection should be maintained, in anticipation of the potential of future commercial development in the immediate area. This letter also stated, "that the proposed landscape buffer could actually do more harm than good," (Exhibit F-6).

The neighbor who owns the property that abuts the west side of the site wrote a letter that recounted generally the same information regarding discussions of easements that had been provided to the Richmond Neighborhood Association, and was included in Exhibit F-2, which is the letter received from the Chair of the RNA Board. Additional information and assessment of the proposed design was also included. The neighbor claims this information substantiates that the reason the adjustment is to accommodate a wider building, rather than providing a buffer for his property. The letter goes on to address the approval criteria by making arguments that a narrower walkway is not safer and that future development could include commercial uses that would require a wider walkway. Pursuing this argument, the neighbor claims that providing a buffer on the west side of the building does not mean that the request to narrow

the pedestrian pathway is equally meeting the purpose of the regulation. In the letter, he states that, “betterment on the west side cannot justify detriment on the east side.” The letter further discusses the likelihood of the proposed landscaping to survive and recounts a past disagreement between the parties regarding the removal of previously existing landscaping at the front of the properties. The arguments presented in the letter included a statement that indicates that this neighbor would actually prefer a hardscape in the area along the site’s western boundary, if the adjustment were to be approved. The neighbor also stated in his letter that reducing the width of the pedestrian connection would add to the impacts on livability for the abutting neighbors to the east (Exhibit F-7).

*(Staff Note: The applicant’s proposal included landscaping along the west lot line of the property, if the reduced width of the pedestrian connection were to be approved. There is no nexus to the pedestrian connection standard that would require this area to be landscaped, and no development standard in the CS zone that would require landscaping in this area. The neighbor claims that the proposed landscaping would create drainage issues. Therefore, the impacts of this landscaping on stormwater management, if any, is best determined by BES at the time of building permit review through the implementation of the City’s Stormwater Management Manual).*

## ZONING CODE APPROVAL CRITERIA

**33.805.010 Purpose of Adjustments** The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city’s diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code’s regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

### 33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** Adjustment to zoning Code Section 33.130.240 B.2, to reduce the width of the pedestrian connection from six feet to five feet. The purpose of the regulation is stated as follows:

*Pedestrian standards are intended to encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.*

The CS zone allows residential uses by right. The “m” Overlay zone encourages higher density residential uses. The proposal calls for a hard surface pedestrian pathway that provides a straight connection to SE Division Street. It is difficult to see that the proposed ten-unit residential development on this site would demand a six-foot wide pedestrian connection when the R1-zoned properties that are located within a two to three block distance to the north and the east only require a five-foot wide pedestrian walk. If five feet is an adequate width for these sites, then the exception to reduce the width from six feet to five feet is equally meeting the purpose to provide a safe, attractive and usable pedestrian circulation system. This is the only thing that this criterion evaluates. It does not evaluate the purpose behind the request, so whether the applicant is asking for this to gain additional width for the building or not is irrelevant in this regard.

The purpose of this regulation is equally met for the proposed residential development and use. Commercial uses might require a wider pathway to adequately serve the pedestrian traffic that they generate. With a condition that limits the use of the property to Household Living, not allowing any commercial uses unless they are on the ground floor of the building and have entrances and exits that provide immediate and direct access to the SE Division Street frontage, this criterion can be met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** The City's Transportation System Plan classifies Southeast Division Street as a Neighborhood Collector Traffic Street, a Major Transit Priority Street, a Major Emergency Response Street, a City Walkway, and a Community Main Street for design. The street also serves as a Local Service Route for bicycles and freight. The Storefront Commercial (CS) zone designation is consistent with these designations as the desired character of the zone includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. The "m" or Mainstreet Corridor Overlay further encourages a built-up higher density residential development that can support the commercial enterprises that are located along Division Street.

The development of small scale multi-dwelling development (ten units) is in keeping with the classifications of this portion of SE Division Street and the desired character of the CS zone. Providing a pedestrian connection that is sized to meet the standards of the multi-dwelling zones is adequate for this proposed use and development. As noted in the findings for Criterion A above, a condition of approval would restrict the utilization of this five-foot wide pedestrian connection for any commercial uses that might later be located on the site. The building would be restricted only for residential uses unless the commercial tenancies were on ground level with direct access to the SE Division Street streetfront. With this condition, this criterion can be met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one adjustment is being requested. Therefore, this criterion does not apply.

- D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** City-designated scenic resources are shown on the City's zoning maps by an "s" or Scenic Overlay Zone. City-designated historic resources are shown on the City's zoning maps, either as an adopted landmark, or as a site that is located within the boundaries of a Historic Conservation or Historic Design District. There are no City-designated scenic or historic resources on the site. Therefore, this criterion does not apply.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.

**Findings:** No potential impacts from approval of the requested Adjustment have been identified by staff. Therefore, no mitigation is needed and this criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** Environmental zones are designated with either a lower case "c," for the Environmental Conservation Overlay, or "p," for the Environmental Protection Overlay. The site is not located in an environmental zone. Therefore, this criterion does not apply.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposal to reduce the width of the pedestrian connection for this development proposal will equally meet the purpose of the regulation. The purpose for this standard in the commercial zones is the same as the purpose in the multi-dwelling zones, which only require a five-foot wide pathway. The applicant is proposing the five-foot width that serves other multi-dwelling development in the immediate area. If an extra foot is truly needed to accommodate commercial uses, then a condition of approval limits these uses on the site to tenancies that would be on the ground floor with immediate and direct access to the sidewalk on SE Division Street. The proposed development is in keeping with classifications of Division Street and the desired character of the area because it accommodates a small multi-dwelling development that can utilize the transit options and support the business community. With the aforementioned condition, the requested Adjustment can be approved, in general compliance with the site plan and elevation drawings.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.130.240 B.2, to reduce the width of the pedestrian connection from 6 feet to 5 feet, in general compliance with the approved site plans, Exhibits C-1 through C-3, signed and dated December 12, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-221059 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The use of the proposed development for this property, with this five-foot wide pedestrian connection, is limited to Household Living. No commercial uses may locate in this development unless they are on the ground floor of the building and have entrances and exits that provide immediate and direct access to the SE Division Street frontage

**Staff Planner: Kathleen Stokes**



**Decision rendered by:** \_\_\_\_\_ **on December 12, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 16, 2014**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on October 3, 2014, and was determined to be complete on **October 17, 2014**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the

application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 3, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for two weeks, as stated with Exhibit A-2. Unless further extended by the applicant, **the 120 days will expire on: February 27, 2015.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 30, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment

Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **December 31, 2014 (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

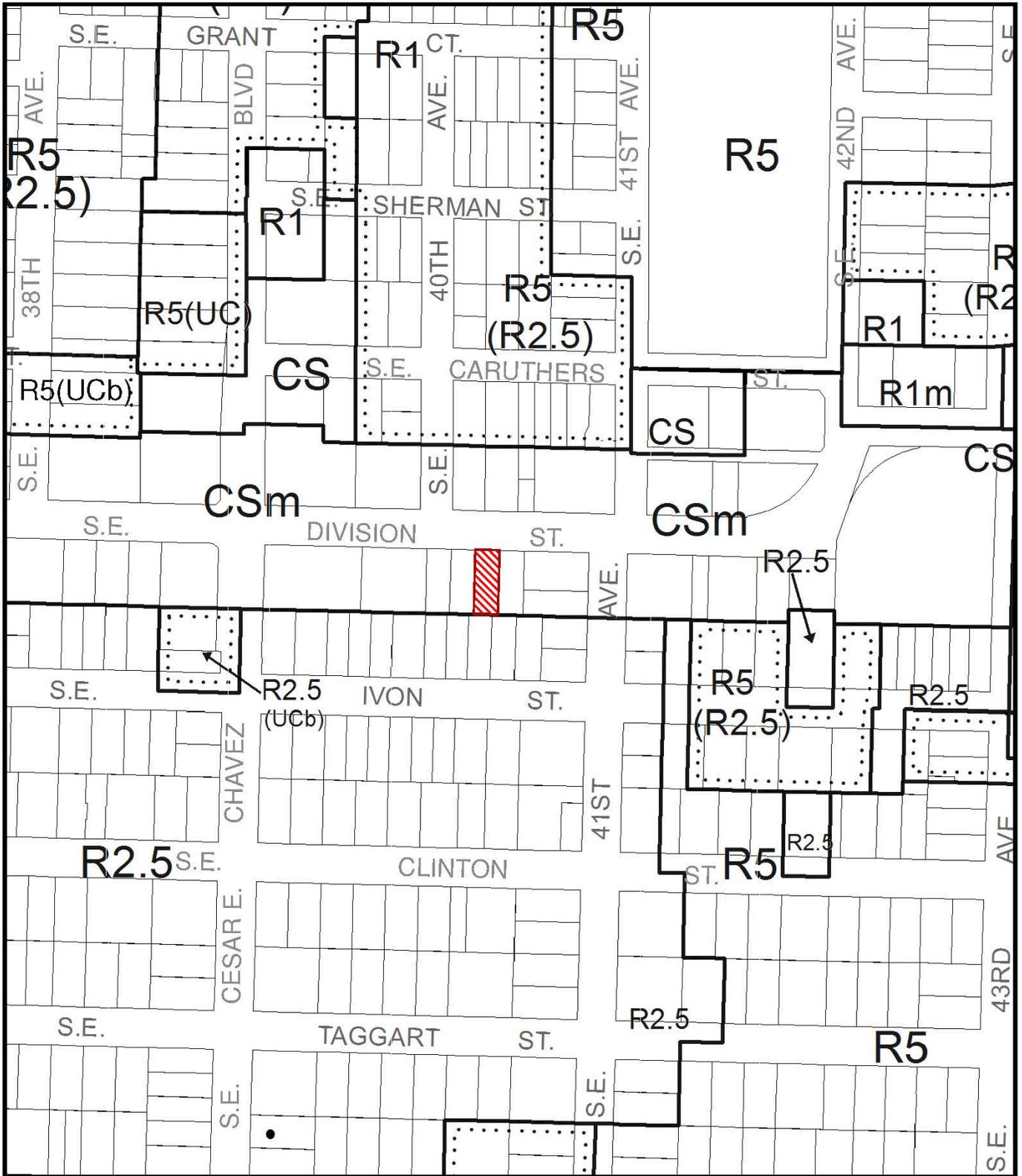
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Application, plans and narrative
  2. Request to extend 120 days for final local decision
  3. Response to letters of opposition
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Elevation Drawings (north and east, attached)
  3. Elevation Drawings (south and west, attached)
- D. Notification information:

1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Water Bureau
  2. Life Safety Plan Review Section of BDS
  3. Bureau of Parks, Forestry Division
  4. Summary of electronic responses from City service agencies, including Bureau of Environmental Services, Fire Bureau and Site Development Review Section of BDS
- F. Correspondence:
1. Deb Whitcom
  2. Allen Field, Chair, Richmond Neighborhood Association
  3. Scott Hay
  4. Jean Baker
  5. Denise Hare
  6. Megan Light
  7. Todd S. Baran, PC
- G. Other: (none)

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



Historic Landmark



NORTH

File No. LU 14-221059 AD  
 1/4 Section 3334  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E12AA 400  
 Exhibit B (Oct 07, 2014)