

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner Leah Treat Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

PSC HEARING
JUNE 27, 2017 @ 5:00 PM
CH2M BUILDING, 2020 SW 4TH AVE.,
LINCOLN ROOM, 1ST FLOOR

FILE NUMBER: R/W #8073

I. GENERAL INFORMATION

Street Vacation Request: R/W #8073, NE Deering Drive, NE 111th Ave, NE 112th, NE Marx

Petitioner: Street vacation initiated by
The City of Portland/Bureau of Transportation
Representative is
Andrew Aebi
PBOT
1120 SW 5th Ave, room 800
Portland OR 97219
503/823-5648

Purpose: The purpose of the proposed vacation is to consolidate unused right of way within a 'P' Zone which generally precludes building in the area per Columbia South Shore Regulations in Title 33



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

Neighborhood: Parkrose Neighborhood
North Portland Neighborhood Services
Columbia Slough Watershed Council

Designation/Zone: IG2, General Industrial 2
Portions 'P' – Environmental Protection

II. FACTS

A. History and Background

The proposed street vacation was initiated by the City of Portland Bureau of Transportation Local Improvement (LID) program. The street vacation will allow for the consolidation of unused and unclassified right of way within a 'P' Zone which generally precludes building in the area per Columbia South Shore Regulations in Title 33. Vacation of unneeded ROW along NE Marx provides additional property for development to meet Comprehensive Plan map designations.

B. Concurrent Land Use Actions

There are no concurrent land use actions at this time. The Bureau of Development services indicated that a lot consolidation will be required for 5445 NE 112th and 5439 NE 112th.

C. The Transportation Element

NE Marx is classified as a Neighborhood Collector for Traffic. The portions of NE Marx ROW that will be vacated are behind the sidewalk (along the property line) and will not impact the street or traffic. All other ROWs and streets proposed for vacation are Local Service Streets for all modes or is an area of ROW that is not classified.

D. Neighborhood Plan

There are no adopted neighborhood plans in this area.

III. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

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NE Marx and others

The relevant policies of the Comprehensive Plan are:

Policy 6.20 Connectivity states:

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Comment: The proposal will vacate portions of rights-of-way that were never used or no longer used for motor vehicle transportation functions.

Policy 6.21 Right-of-Way Opportunities states:

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

Comment: The remnants of rights-of-way that were never used or no longer used for motor vehicle transportation functions. The proposed vacation will have no impact on the transportation function of any nearby street.

Policy 8.14 Natural Resources, Objective I. States:

Consideration of Scenic Resources in Street Vacations. Require the preservation and maintenance of existing and potential view corridors and view points when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

Comment: No existing or potential view corridors have been identified in the review of the street vacation request.

Policy 11.11 Street Plans, Objectives D, E and N state:

D. Provide full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

E. Provide bike and pedestrian connections at approximately 330-foot intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

N. Preserve street connectivity in areas of the City that meet the standards of this policy and its objective as shown on Maps 11.11.9 through 11.11.16.

Comment: The remnants of rights-of-way were never used or are no longer used for any transportation functions. The proposed vacation will have no impact on the transportation function of any nearby streets or ROWs.

Policy 12.4 Provide for Pedestrians, Objective G. states:

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

Comment: The remnants of rights-of-way were never used or are no longer used for any transportation functions. The proposed vacation will have no impact on the transportation function of any nearby streets or ROWs.

B. Neighborhood Plan Considerations

Comment: There are no adopted neighborhood plans in this area.

C. Other Relevant Comprehensive Plan Policies (and/or Plans)

Comment: There are no other Comprehensive Plan considerations.

D. Zoning Code Considerations

Other zoning code designations that could apply and that should be considered during review of a street vacation request include environmental zoning or designation as a recreational greenway trail.

Comment: The area along NE Deering is zoned 'P' for Environmental Protection, which precludes development and is regulated by Columbia South Shore regulations. 5445 NE 112th Ave is losing legal frontage and must be consolidated with 54369 NE 112th Ave prior to recording of the street vacation.

E. Subdivision Code Considerations

Comment: There are no subdivision code issues.

F. Improvement and Utility Considerations

The street vacation request was reviewed by **City Bureaus, affected neighborhood associations, government agencies and public utilities.**

Reponses are below and attached.

Bureau of Development Services indicated **no objection** to the street vacation with the following condition:

- 5445 NE 112th Ave is losing legal frontage and must be consolidated with 54369 NE 112th Ave prior to recording of the street vacation.

Bureau of Environmental Services requires:

- A 15' x 15' public sewer easement over an existing facility which crosses NE Deering Street just north of NE 109th Ave, shown on Exhibit 1B.
- An easement for access and maintenance from the end of NE 112th Ave north to the Columbia Slough.
- A recreational trail easement to maintain public access from the end of NE 112th Ave north to the Columbia Slough.
- A conservation easement for the portion of NE Deering Drive which will revert to the adjacent property owners on the south side of Deering.

The Water Bureau requires:

- An easement for an existing water line, from the end of NE 112th Ave north to the Slough, for the full width of NE 112th Ave., as shown on Exhibit 1B.
- Any meters, hydrants, or other water facilities in the vacation area be relocated to the remaining right-of-way at the applicant's expense.
- Additional survey location for the water service at 10930 and 10944 NE Marx

PBOT Street Lighting requires:

- An easement for access and maintenance for its street light on a PPL pole in NE Deering St., just north of NE 112th Ave.

Multnomah County Drainage District requires:

- An easement for access and maintenance from the end of NE 112th Ave north to the Columbia Slough, as shown on Exhibit 1B.

Pacific Power requires:

- An easement to be reserved for its three (3) utility poles at the intersection of NE 112th and NE Deering Drive.

Northwest Natural requires:

- An easement in NE Deering

Urban Forestry responded with no objection.

Fire Bureau responded with no objection.

Portland Parks and Recreation responded with no objection.

The Bureau of Technology Services responded with no objection.

ODOT and the Port of Portland responded with no objection.

TriMet was notified but did not respond.

Century Link responded that they have no facilities in the area.

G. Neighborhood Issues

Notice of this street vacation request was provided to the Parkrose Neighborhood, North Portland Neighborhood Services and Columbia Slough Watershed Council.

The Parkrose Neighborhood Association responded with the request to continue to provide public access to the Columbia Slough at NE 12th Ave.

The Columbia Slough Watershed Council also responded with the request to continue to provide public access to the Columbia Slough at NE 12th Ave.

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North Portland Neighborhood Services did not respond.

IV. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

V. Planning and Sustainability Commission RECOMMENDATION

The PSC recommendation is **approval** of the vacation of the area as shown on Exhibit 1 ***with conditions***:

1. Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in Section III.F above.

The Portland Bureau of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning and Sustainability Commission's recommendation.

VI. EXHIBITS

1. Areas proposed for vacation
 - a. NE Marx ROW areas between NE 109th and NE 112th
 - b. NE Deering Dr East of 105th, NE 11th north of NE Deering and NE 112th south of NE Deering
2. Comments Summary

Bureau of Transportation Staff Planner
Courtney Duke, Senior Transportation Planner
503/823-7265
Courtney.duke@portlandoregon.gov

cc:
Karl Arruda, Right-of-Way Case Manager
Case File


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Exhibit 1A



NE Marx St between NE 109th Ave and NE 112th Ave

Petitioner: City of Portland

 Area proposed for vacation

State ID: 1N2E22BA 1/4 Section: 2541




1 inch = 150 feet

Exhibit 1B



NE Deering Dr east of NE 105th Ave, NE 111th Ave north of NE Deering Dr, & NE 112th Ave south of NE Deering Dr

Petitioner: City of Portland

 Area proposed for vacation

Sections: 1N2E15CC, 1N2E15CD, 1N2E22AB 1/4 Sections: 2542, 2441



1 inch = 350 feet

EXHIBIT 2
Comments Summary

R/W # 8073 NE Deering Dr, NE 111th Ave, NE 112th, NE Marx	RWA Project Manager: Karl Arruda	Petitioner/Applicant:
SAP Cost Object No. T00347.D46		
VAC-XXXXX		
IQ #16-237649		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	N/A	City-initiated.
PBOT Development Review Bob Haley/ Kurt Krueger 503-823-5171	9/28/2016	No objection.
Transportation Planning Courtney Duke 503-823-7265	2/28/2017	No objection. Comment only: Easements required by other service bureaus should be retained as outlined in bureau responses.
PBOT Permit Engineering Chon Wong 503-823-7050	9/26/2016	No objection.
PBOT Trans Systems Mgmt Carl Snyder	9/26/2016	No objection.
PBOT Street Lighting Dan Spoelstra 503-823-4111	9/14/2016 & 5/5/2017	No objection subject to the following condition: Existing street lights should remain in City right-of-way, except light at end of NE 112th Ave. can remain in STV area and be covered by easement.
PBOT Bridges and Structures Cameron Glasgow	10/19/2016	No objection.
Development Services Brandon Rogers 503-823-7597	9/16/2016	No objection subject to the following conditions: 5445 NE 112th Ave. is losing legal frontage and must be consolidated with 5439 NE 112th Ave.
Development Services Lisa Baumgartner	11/1/2016	No objection.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Environmental Services Bret Winkler 503-823-6170	11/30/2016	<p>No objection subject to the following conditions: 1) BES has a storm sewer/outfall within NE 109th Ave and which crosses NE Deering Dr. BES will require a minimum 15 by 15 foot (centered on the pipe) public sewer easement through the vacation area for access for maintenance to the storm outfall that discharges into the slough. 2) Directly north of NE 112th Ave., BES requires an easement for access for maintenance to the Slough.</p>
Nancy Hendrickson 503-823-6001	6/2/2017	<p>3) To maintain public access on the Slough, BES also to obtain Recreational Trail Easement from NE 112th to Slough. Existing pedestrian gate to remain open unless BES or Police need to close it for maintenance or safety. 4) BES requires a conservation easement for NE Deering Dr., from adjacent owners on south side of Deering.</p>

Comments Summary

Commenting Party	Response Date	Comments / Conditions
<p>Water Bureau Ben Gossett 503-823-7518 / Terry Wenz 503-823-7171</p>	<p>11/1/2016</p>	<p>No objection subject to the following conditions: 1) Any meters, hydrants, or water facilities impacted by the vacation would need to be relocated into the remaining ROW at the applicant's expense if they are not there already, and may require associated backflow assemblies as required by current code and standards. 2) For NE Marx St.: Applicant will need to provide a survey to locate the Water service for 10930 and 10944 NE Marx St to confirm they are outside of the proposed vacation area, and if they are not, will have to pay to have these services relocated in the R/W outside of the proposed vacation area and backsides reconnected.</p>
		<p>3) For NE Deering Dr and associated stubs: The existing 6" main in NE 112 Ave cannot be abandoned, and PWB must retain 24 hour unimpeded access for maintenance and meter reading. The Water Bureau would need an easement the width of the existing R/W that provides the above-mentioned items plus the ability to permit future construction and additions as seem fit.</p>

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Fire Bureau Kari Schimel	9/14/2016	No objection.
Park Bureau Zalane Nunn	11/21/2016	No objection.
Urban Forestry Division Rich Faber	10/12/2016	No objection.
BTS Corporate GIS Paul Cone	9/14/2016	No objection.
Parking Control Kelly Sills	11/1/2016	No objection.
Planning & Sustainability Commission		Pending PSC Meeting.
Neigh Assoc Notified:		
Parkrose N.A. Anne Stanhope, Chair	10/18/2016	Public access to Columbia Slough at NE 112th Ave. should be preserved.
North Portland Neighborhood Services Tom Griffin-Valade, Exec. Director		No response.
Columbia Slough Watershed Council Corrina Chase, Executive Director	10/12/2016	Public access to Columbia Slough at NE 112th Ave. should be preserved.
Local Agencies Notified:		
ODOT Region 1 Jon Makler	9/30/2016	No objection.
Port of Portland Phil Healy		No response.
TriMet Nick Stewart	9/14/2016	No objection.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Mult County Drainage District Bill Owen 503-281-0392	3/23/2017	No objection subject to the following conditions: MCDD to obtain Maintenance and Access Easement from NE 112th Ave. to Slough for maintenance work. MCDD to have vehicle and pedestrian access to fenced area.
Public Utilities Notified:		
PGE Tina Tippin		No objection.
Pacific Power Scott Mease 503.813.7115	9/16/2016	Have facilities in STV area on NE Marx and NE Deering at 112th; reserve easement.
CenturyLink Alan Meins		No response.
Northwest Natural Richard H. Hawkes, GIS Tech	9/22/2016	Have facilities in NE Deering; reserve easement.
Comcast Cable Walter Banks		No response.

Comments Summary

Commenting Party	Response Date	Comments / Conditions