

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Dan Saltzman Commissioner Leah Treat Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #8351

COMMISSION MEETING TO BE HELD FEBRUARY 27, 2018 5:00 PM
1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: R/W #8351, Unnamed Road east of NE 160th Ave.

Petitioner: Don Etter and Valerie Nipper. The Petitioner's representative is James Shikany, shikanylaw@hotmail.com, (503) 348-4722.

Purpose: The purpose of the proposed vacation is to consolidate adjacent properties for development

Neighborhood: Wilkes Community Group

Quarter Sections: 2946

Designation/Zone: R10h (Residential 10,000, Aircraft Landing Overlay)



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II. FACTS

A. History and Background

The petitioner has requested the proposed vacation to consolidate abutting properties to the north (1320 NE 160th Ave.) and south (1250 NE 160th Ave.) of the right of way. The unnamed right of way is unimproved.

B. Concurrent Land Use Actions

There are no concurrent land use actions at this time.

C. The Transportation Element

The unnamed right of way is classified as a Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Pedestrian Street, Local Freight Street, Minor Emergency Response Street, and Local Design Street in the transportation element of the Comprehensive Plan.

D. Neighborhood Plan

The Wilkes Community and Rockwood Corridor Plan (1987) includes Policy 9: Transportation System. The policy encourages the efficient use of the transportation network while mitigating adverse traffic impacts on the community's residential livability and business climate. The proposed vacation of the unnamed right of way does not negatively impact this policy.

III. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

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 unnamed right of way proposed for vacation is currently unimproved and does not currently serve a functional transportation purpose for the residential neighborhood. The existing development pattern east of the unnamed right of way makes a through street connection that goes to NE 162nd Avenue unlikely. The properties immediately adjacent to the east of the area proposed for vacation are developed with single family homes and fall outside the City of Portland's jurisdiction. Without a through connection to NE 162nd Avenue, the unnamed right of way would need to be developed as a dead-end cul-de-sac. Dead end public roads provide little public benefit and do not support the development of an interconnected, multimodal transportation system.

As a condition for the street vacation of the unnamed right of way (see III. F below), PBOT Development Review has required a 15-foot pedestrian easement



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in the vacated right of way, as well as a 16-foot north/ south pedestrian dedication along the eastern property line of 1250 NE 160th Ave connecting the east/ west pedestrian easement southerly to the NE 161st Ave. right of way. These conditions provide a greater opportunity than the status quo or a dead-end cul-de-sac to obtain a public pedestrian connection between NE 160th and NE 161st and to better support the multimodal connectivity objectives of Policy 6.20.

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 unnamed right of way proposed for vacation is currently unimproved and does not serve a functional purpose for the transportation system. The existing land use development to the east – single family homes which fall outside the City of Portland’s jurisdiction - makes it is unlikely that it could be developed into a through street to NE 162nd Avenue. The established street patterns will not be interrupted by the proposed right of way vacation. The functional purposes of nearby streets will not be impacted by the proposed right of way vacation.

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 and E 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.

Comment: Per Objective D, the proposed right of way vacation does not impact full street connections spacing. NE Halsey Street is a full street connection approximately 430 feet to the north of the area proposed for vacation. NE Holladay Street provides a full street connection approximately 880 feet south of the area proposed for vacation. Given the constraints of the existing development



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to the east, which falls outside the City of Portland's jurisdiction, a full street connection in the area proposed for vacation is unlikely.

Per Objective E, the proposed street vacation does not impact bicycle and pedestrian connectivity and access. Pedestrian access is maintained through the condition of a 15-foot wide pedestrian easement in the proposed vacated right of way. It does provide an opportunity to obtain a more direct bicycle and pedestrian connection along the eastern end of the property at 1250 NE 160th Avenue to the existing right of way on NE 161st Avenue.

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: Pedestrian access will be maintained through a 15-foot wide pedestrian easement in the proposed vacated right of way, as well as a 16-foot north/south pedestrian dedication along the eastern property line of 1250 NE 160th Ave connecting the east/west pedestrian easement southerly to the NE 161st Ave. right of way.

B. Neighborhood Plan Considerations

Comment: The proposed vacation is intended to support more cohesive residential development pattern. The condition for a 15-foot wide pedestrian easement in the proposed vacated right of way and the condition for a 16-foot wide north/south dedication along the eastern property line connecting the east/west pedestrian easement southerly to NE 161st Ave is intended to maintain and improve pedestrian connectivity. These are consistent with the Wilkes Community and Rockwood Corridor Plan, as well as the East Portland Action Plan.

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

Comment: There are no other Comprehensive Plan policies or policies from other adopted plans that are relevant to this request.

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: There are no zoning code considerations.



E. Subdivision Code Considerations

Notice of this street vacation request was provided to the Bureau of Development Services (BDS) to determine if there are any relevant impacts to consider related to future subdivision of property in the area. BDS responded with no objections.

F. Improvement and Utility Considerations

The street vacation request was reviewed by PBOT for conformance with standards for street improvements. The following conditions will be required:

- PBOT Development Review requires an east/west 15-foot wide pedestrian easement in the vacated right of way. The Petitioner must also provide a 16-foot north/south pedestrian dedication along the eastern property line connecting the east/west pedestrian easement southerly to the NE 161st Ave. right-of-way.

Other public agencies, public and private utilities were notified of this street vacation request.

- The Rockwood Water District responded with no objection.
- Bureau of Environmental Services responded with no objection.
- Portland Fire and Rescue responded with no objection.
- Urban Forestry responded with no objection.
- Portland Parks and Recreation responded with no objection.
- The Bureau of Technology Services responded with no objection.
- TriMet responded with no objection.
- Pacific Power responded with no objection.
- ODOT responded with no objection.
- The Port of Portland responded with no objection.
- PGE responded with no objection.
- CenturyLink did not respond.
- Northwest Natural did not respond.
- Comcast did not respond.

G. Neighborhood Issues

Notice of this proposed street vacation request was provided to the Wilkes Community Group, Gateway Area Business Association, and East Portland Neighborhood Organization. No responses were received.

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.



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V. TENTATIVE STAFF RECOMMENDATION

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

- 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. Area proposed for vacation & dedication
2. Zoning Map
3. East facing photo of area proposed for vacation

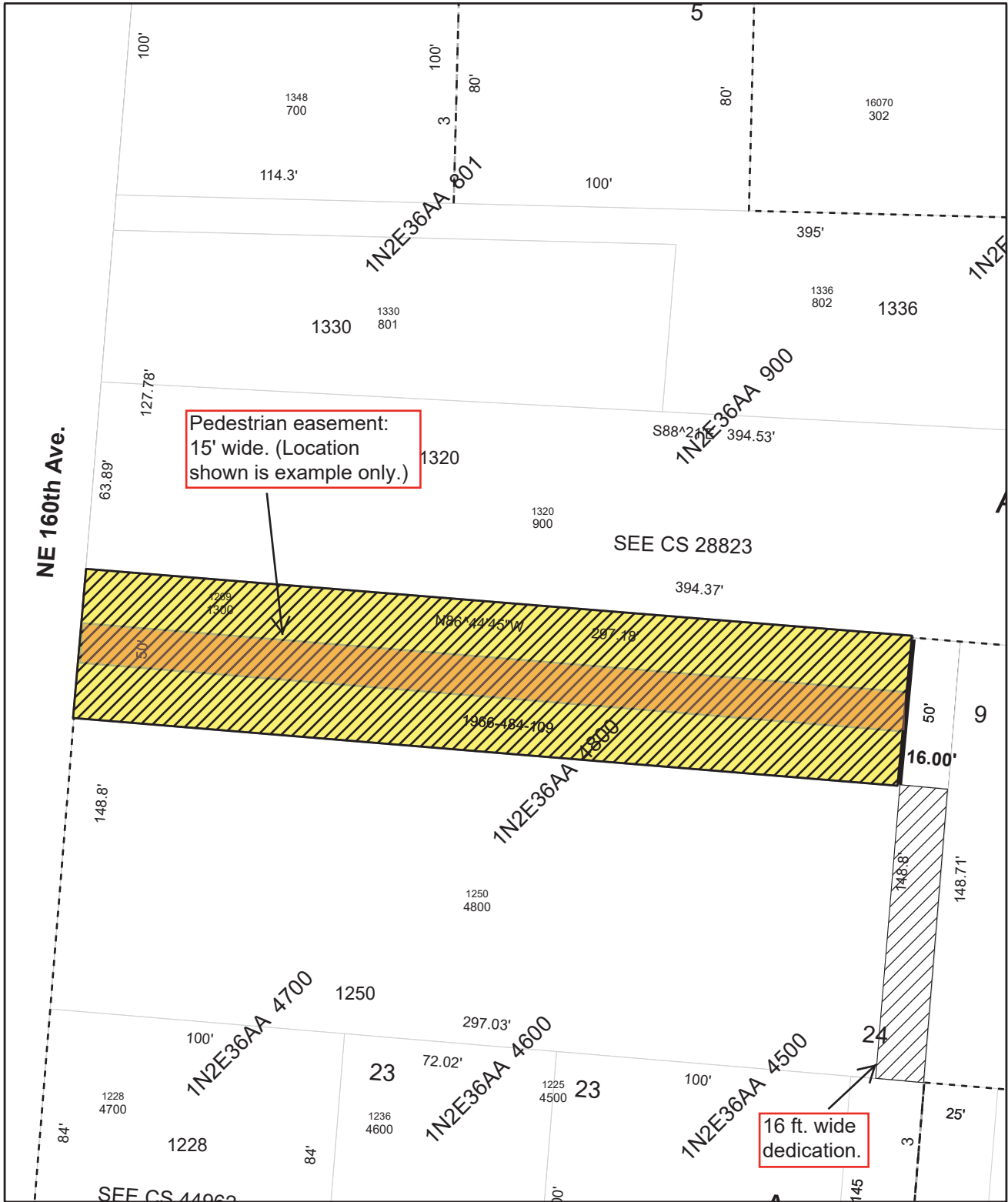
Bureau of Transportation Staff Planner
Bob Kellett
503/823-6127
Bob.Kellett@portlandoregon.gov

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





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Exhibit A



Unnamed Street east of NE 160th Ave south of NE Halsey St

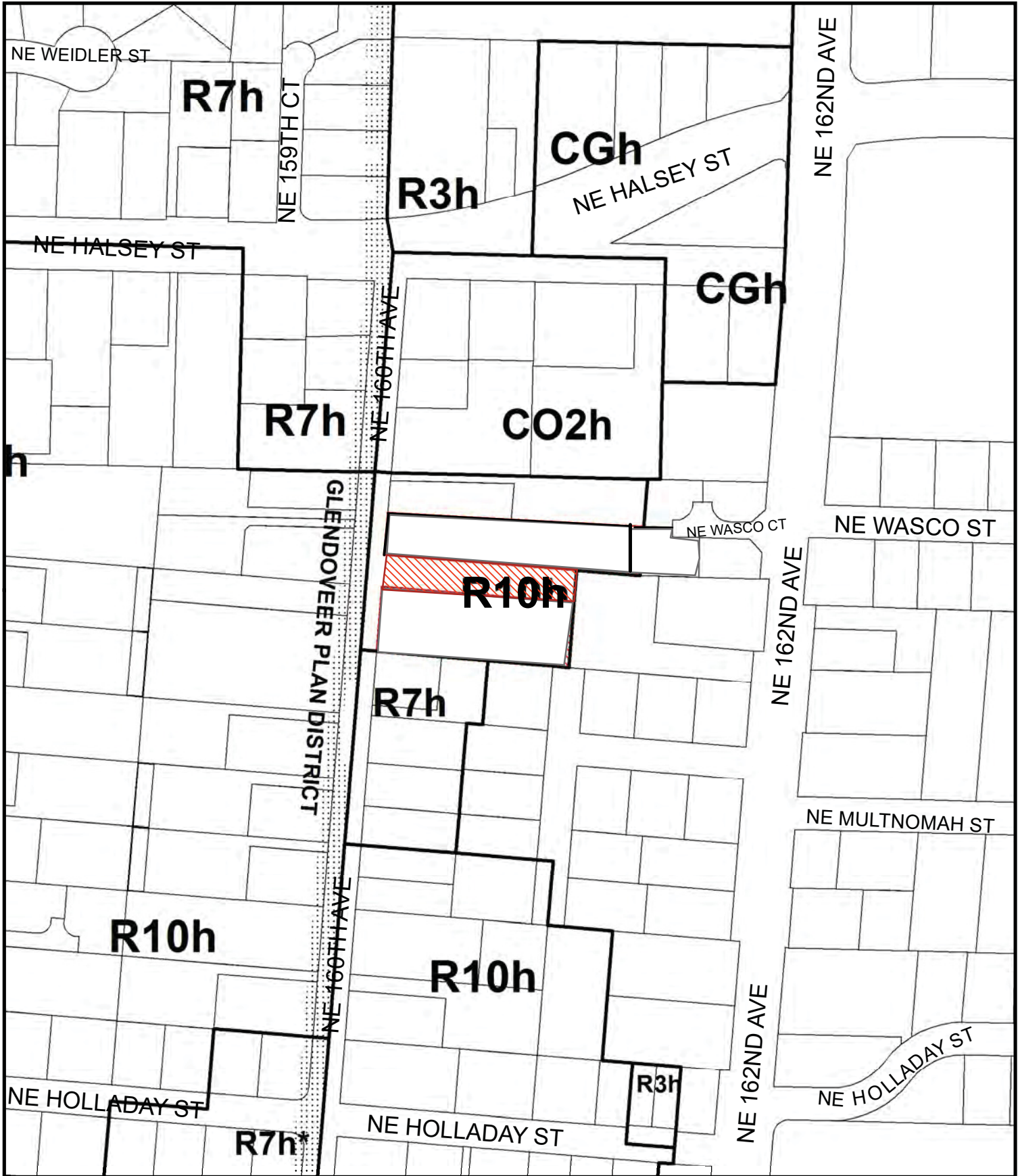
Petitioner: Don Etter and Valerie Nipper
 Qtr. Section: 2946 Section: **1N2E36AA**

 Area Proposed for Vacation
 Area Proposed for Dedication



1 inch = 50 feet

Area Proposed for Vacation



ZONING

 Site



NORTH

File No. EA 16-142558 APPT

1/4 Section 2946

Scale 1 inch = 200 feet

State_Id 1N2E36AA 4800

Exhibit B (Apr 01, 2016)

