

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

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**Chloe Eudaly** Commissioner **Chris Warner** Director

## STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

**FILE NUMBER: R/W #8796**

**COMMISSION MEETING TO BE HELD: MARCH 10, 2020, 12:30PM**

### I. GENERAL INFORMATION

**Street Vacation Request:** SE Lambert St., SE Malden Ct., SE Malden St., SE 89<sup>th</sup> Ave.

**Petitioner:** Bureau of Environmental Services, Kate Carone, (503) 823-5569, [kate.carone@portlandoregon.gov](mailto:kate.carone@portlandoregon.gov)

**Purpose:** The stated purpose for the proposed street vacation is to reduce crime and facilitate restoration of the Johnson Creek floodplain.

**Neighborhood:** Lents

**State ID:** 1S1E20AA

**Designation/Zone:** OSp (Open Space, Environmental Protection), OSc (Open Space, Environmental Conservation)



*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.*

## **II. FACTS**

### **A. History and Background**

The proposed street vacation has been initiated by the City of Portland through the Bureau of Environmental Services (BES). The stated purpose for the vacation is to reduce crime and facilitate restoration of the Johnson Creek floodplain. The floodplain restoration work is in the planning phase, and in the interim, the vacant land in this area has become an attractive nuisance. Crime, garbage dumping, illegal camping, damage to the creek, drug use, public intoxication and theft have been associated with this site. Both neighbors and City Commissioner Nick Fish have requested that BES take additional steps to limit access to the area.

BES has installed a locking swing gate on SE Lambert Street near the Springwater Corridor Trail to limit vehicular access under Encroachment Permit #18-252094 issued in February 2019. The existing pavement will remain for the time being to facilitate emergency vehicles and property management but will be removed when the floodplain restoration project goes to construction. Unneeded utilities will also be removed as part of the restoration project. Once complete, the floodplain restoration project is intended to be a community amenity. Vacation of these roads will allow a wider range of creek restoration and stormwater management options to be considered as part of the project and provide additional space for floodplain restoration.

### **B. Concurrent Land Use Actions**

There are no concurrent land use actions at this time.

### **C. The Transportation Element**

In the 2035 Transportation System Plan, all of the streets proposed for vacation are classified as a local street for bicycle, pedestrian, traffic, emergency response, freight, design, and transit.

### **D. Neighborhood Plan**

The Lents Neighborhood Plan (1996) includes Policy 3 to “Promote recreational opportunities in and around Lents while preserving and protecting the environment.” The plan includes a number of action items to protect and improve the natural environment of the Johnson Creek Watershed. The proposed street vacation is consistent with the goals, objectives, and actions in the neighborhood plan.

The Lents Town Center Urban Renewal Plan (1998) includes the goal to: “Protect and enhance the natural environment within the Area. Promote development that respects the value of the environment. Help ensure that development minimizes impacts on flooding of Johnson Creek and in turn, is reasonably protected from flood dangers.” The proposed street vacation is consistent with the goals, objectives, and actions in the urban renewal plan.

## **III. APPROVAL CRITERIA FINDINGS**

### *Title 17.84.025 Approval Criteria for Vacating Streets*

*A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:*

- 1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.*

*Comment:* The right-of-way proposed to be vacated has not been identified in any plan for public services, transportation functions, utility functions, view corridors or viewpoints, pedestrian amenities, or community or commercial uses. The criterion is met.

- 2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points.*

*Comment:* The proposed vacation does not prevent the extension of, or retention of, public services, transportation and utility functions subject to the conditions identified in IV below. The vacated area is not identified as a view corridor or view point. It is supportive of present and future stormwater functions. This criterion is met.

- 3. Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.*

*Comment:* The existing land use and transportation pattern in the area around the proposed street vacation supports the orderly and efficient manner of potential future extension of public services, transportation functions, and utilities subject to the conditions identified in IV below. The right-of-way proposed for vacation is not required for these purposes. This criterion is met.

- 4. The vacation does not impede the future best use, development of, or access to abutting property.*

*Comment:* The area proposed for vacation does not impede the future best use, development of, or access to abutting property. Abutting properties are in an Open Space zone with environmental constraints. The area proposed for vacation does not prevent access to abutting properties subject to conditions identified in IV below. This criterion is met.

- 5. The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets.*

*Comment:* The right-of-way proposed for vacation is presently partially improved with the streets terminating near Johnson Creek and environmentally sensitive land. The streets provide local access to abutting properties. The area proposed for vacation has not been identified as needed in the future to serve an interconnected system of public streets. Bicycle/pedestrian spacing requirements are not presently met with SE Lambert terminating and not connecting with SE 89<sup>th</sup>., Bicycle/pedestrian connectivity will be met subject to conditions identified in IV below. This criterion is met.

#### **IV. IMPROVEMENT AND UTILITY CONSIDERATIONS**

The proposed street vacation request was reviewed by the following bureaus and agencies and is subject to the identified conditions:

PBOT Development Review	<b>No objection subject to the following conditions:</b> A public walkway or trail easement is required to facilitate pedestrian/bike connectivity from Springwater Corridor across BES property to SE 89th, to serve the community to the east of the vacated area. Location and scope to be determined (or modified and/or relocated) as part of the Johnson Creek floodplain restoration project, subject to the approval of the City Engineer.
PBOT Transportation Planning	<b>No objection, subject to the following conditions:</b> BES will work collaboratively with PBOT as part of site restoration to agree upon a preferred alignment for a future pedestrian/bicycle connection linking the neighborhoods south of the creek to the Springwater Corridor trail. The off-street ped/bike connection could be placed either in a relocated public right of way or a public access easement.
PBOT Permit Engineering	No objection
PBOT Signals & Street Lighting	<b>No Objection subject to the following conditions:</b> Within the proposed vacation area, there are 4 existing street lights (PBOT owned and maintained) mounted to utility poles. The lights need to be removed from the poles and salvaged by PBOT contractors. Estimated cost for this work is \$1200. Coordinate removal with PBOT street lighting.
PBOT Transportation Systems Management	No objection
PBOT Active Transportation	Same condition as Transportation Planning (listed above).
PBOT Bridges and Structures	<b>No objection subject to the following conditions:</b> 1. PBOT's maintenance and ownership related to existing SE Lambert bridge over Johnson Creek (PBOT Bridge BR-098) and all of its appurtenances, including but not limited to girders, abutments, deck, rails, fences, signs, and wingwalls shall be transferred to BES; or, 2. If BES elects to remove existing bridge, the removal shall include the bridge and all of its appurtenances, etc. All direct and indirect costs associated with this work shall be borne by BES.
Bureau of Development Services	<b>No objection subject to the following conditions:</b> Property at 8729 SE Malden St. is zoned R2 and must retain legal street frontage. Because there are no adjacent parcels under the same ownership with street frontage, 8729 SE Malden cannot consolidate with another parcel to retain legal street frontage. BDS requires the recording of a legal instrument against the deed of this parcel to restrict residential development until the parcel can be rezoned to Open Space zoning. Development on the site should be limited to what would be typically allowed in the Open Space zone per zoning code chapter 33.100.
Portland Water Bureau	<b>No objection subject to the following conditions:</b> • The water main in SE Malden Court must be cut and plugged. All existing metered services and the hydrant will be decommissioned

	with this action. • The requested vacation area in SE 89th Ave. must end 70ft south of the south ROW line of SE Lambert St. • The applicant is responsible for all fees for work performed by Water Bureau related to this vacation. All fees must be paid in full prior to finalizing the street vacation. Comment only: The applicant is encouraged to talk to the Fire Bureau.
Bureau of Environmental Services	<b>No objections subject to the following condition:</b> A BES storm swale with an outfall to Johnson Creek is located in the proposed vacated section of SE 89th Ave (BES as-built #5790). This stormwater facility must remain, be rebuilt, or replaced with a comparable facility, to maintain treatment and conveyance for street drainage on SE 89th Ave.
Portland Fire and Rescue.	<b>No objection subject to the following conditions:</b> The two (2) existing fire hydrants located in the proposed vacation area on SE 89th Ave. (adjacent to 7916 SE 89th and 7835 SE 92nd) shall remain accessible and in place; or the hydrant at 7835 SE 92nd could be relocated, with Fire Bureau's approval prior to relocation, to provide adequate fire protection to the existing lots that it is serving. The hydrant in SE Malden Ct. is not required if all the structures serviced by this hydrant have been removed, and therefore, no objection if Water Bureau requires removal of this hydrant.
Urban Forestry	No objection
Portland Parks and Recreation	No objection
Bureau of Technology Services Corporate GIS	No objection
PBOT Parking Control	No objection
TriMet	No objection
Pacific Power	Pacific Power has no facilities in the street area.
Comcast	Comcast has facilities in the area; reserve easement.
ODOT	<b>No objection subject to the following condition:</b> BES to grant ODOT an easement for the drainage pipe in SE Malden Court, which shall be recorded concurrently with the vacation ordinance.
Port of Portland	No response received
PGE	PGE has facilities in street area. Reserve easement
CenturyLink	No response received
Northwest Natural	No response received

## V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Lents Neighborhood Association, Southeast Uplift Neighborhood Program, and 82<sup>nd</sup> Ave of Roses Business Association. The Lents Neighborhood Association responded with support for the vacation request, provided access to utility meters is maintained and pedestrian access is established from SE 89<sup>th</sup> Ave to Springwater and/or SE 87<sup>th</sup> Ave.

Notice of the Planning and Sustainability Commission meeting will be sent to the affected area once a date is set. BES has been in contact with the neighbors as part of the project outreach process.

## **VI. 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.

## **VII. TENTATIVE STAFF RECOMMENDATION**

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

- Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in IV. 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.

## **VIII. EXHIBITS**

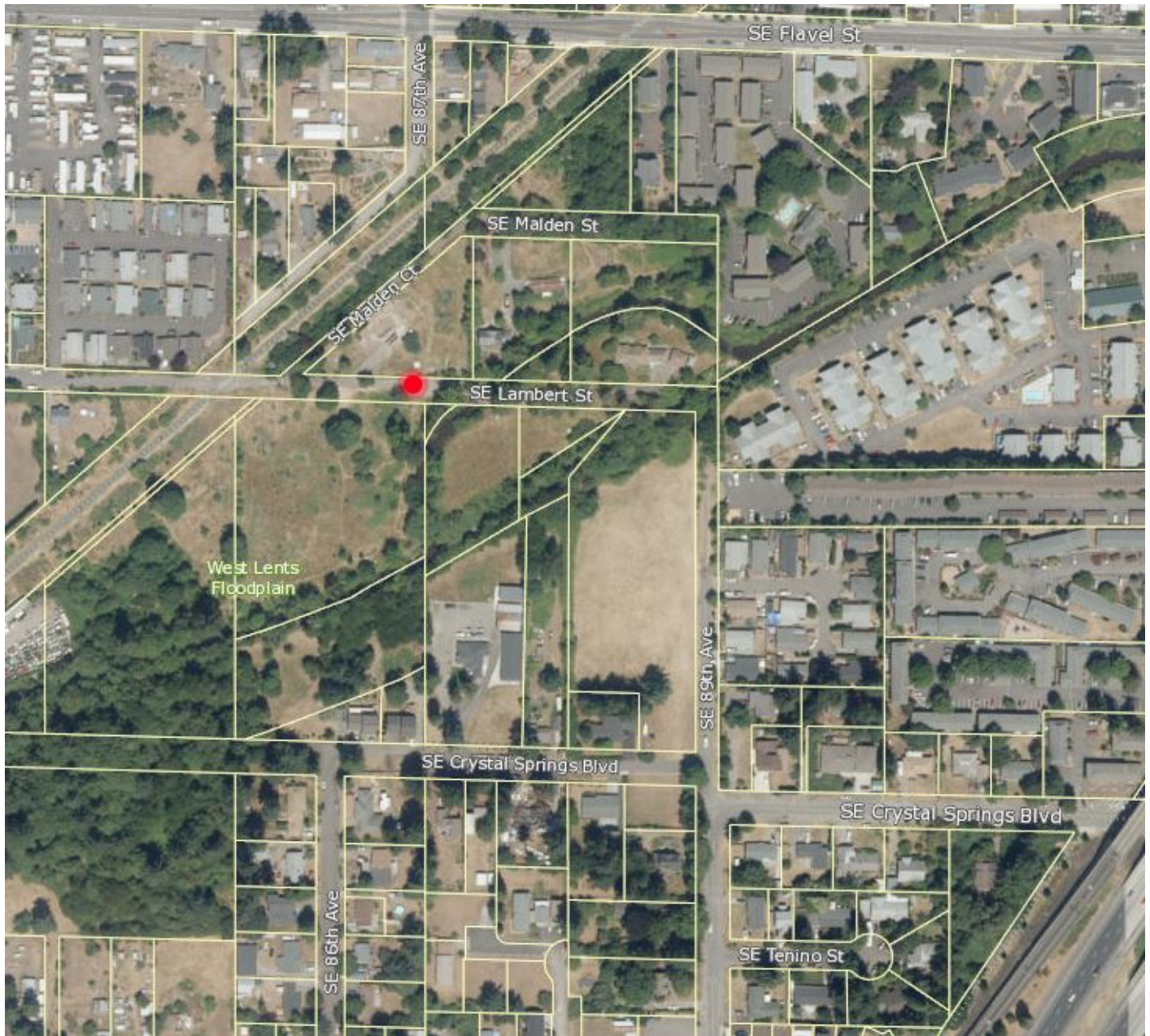
1. Area proposed for vacation
2. Aerial Photo
3. Parcels Ownership Map
4. Right-of-Way photos

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

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

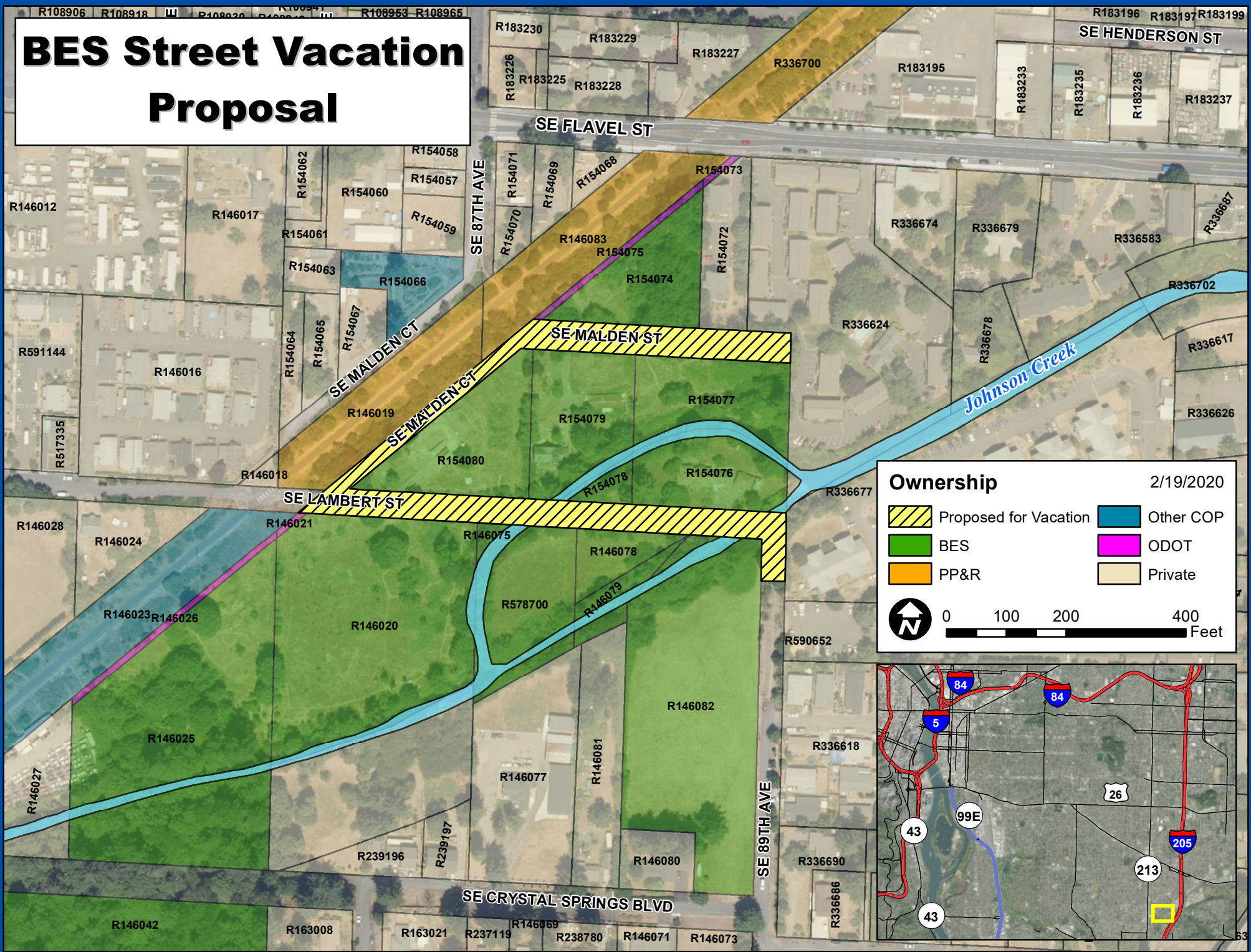


Exhibit 2: Aerial Photo












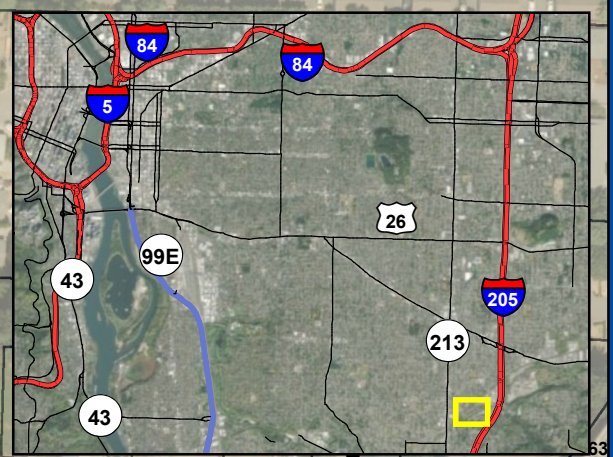
# BES Street Vacation Proposal



**Ownership** 2/19/2020

 Proposed for Vacation	 Other COP
 BES	 ODOT
 PP&R	 Private

 0 100 200 400 Feet



# SE Lambert St.

**WEIGHT RESTRICTED BRIDGE**  
SINGLE UNIT TRUCKS  
24,000 LBS MAX  
COMBINATION TRUCKS  
36,000 LBS MAX

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# SE 89<sup>th</sup> Ave.



# SE 89<sup>th</sup> Ave.





SE Malden Ct.

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# SE Malden St.

