

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave, Suite 1331, Portland OR 97204
Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576

Chloe Eudaly Commissioner Chris Warner Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #8825

COMMISSION MEETING TO BE HELD: OCTOBER 13, 2020, 12:30 PM

I. GENERAL INFORMATION

Street Vacation Request:	Portions of NE 27 th Avenue and NE Holland Street (the "Street Area")
Petitioner:	In accordance with ORS 271.130 (Vacation on council's own motion), the street vacation has been initiated by the City of Portland, Bureau of Transportation ("PBOT"). The City's representative is Andrew Aebi, andrew.abei@portlandoregon.gov , 503-823-5648.
Purpose:	Through a Local Improvement District, PBOT is improving NE 27 th Avenue and NE Holland Street. The areas proposed for vacation are right-of-way that will not be improved and have been identified as potential assemblage to the abutting private properties for expansion for development purposes.
Neighborhood:	Concordia
State ID:	1N1E13BB
Designation/Zone:	IG2 (General Industrial 2)



The City of Portland ensures meaningful access to city programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact 503-823-5185, City TTY 503-823-6868, Relay Service: 711.

II. FACTS

A. History and Background

On July 12, 2017, Portland City Council approved the formation of a Local Improvement District (“LID”) for the properties adjacent to the Street Area. As part of the LID, PBOT is working with adjacent property owners to make right-of-way improvements to NE 27th Avenue and NE Holland Street. The street area proposed for vacation will not be improved as part of the LID. Through the proposed vacation, it would revert to the adjacent properties providing the needed area to move forward with plans for a staging facility for street sweeper truck waste related operations. Street sweeper trucks will unload contents of street and parking lot sweeping from commercial and industrial customers directly into a covered roll-off box on site. Waste receiving and container transfer operations will be conducted on a concrete containment pad. The development will eliminate the City’s maintenance responsibilities of the street area.

B. Concurrent Land Use Actions

Early Assistance case 2020-190116-000-00-EA is currently under review.

C. The Transportation Element

In the 2035 Transportation System Plan, both NE 27th Avenue and NE Holland Street are classified as a local service transit street, local service traffic street, minor emergency response street, local service bikeway, local service walkway, freight district street, and local street design.

D. Neighborhood Plan

The right-of-way proposed for vacation is not specifically identified for future use in any current neighborhood plans. PBOT presently leading a planning process for the area, the Columbia/Lombard Mobility Corridor Plan. Project managers for the plan have confirmed that the area proposed for vacation has not been identified for future use.

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: As part of an LID, right-of-way improvements will occur on both NE 27th and NE Holland Street. Through the LID process, the portions of the right-of-way proposed for vacation have been identified as not needed for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses. This 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. 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. The vacated right-of-way will provide adjacent properties with additional flexibility to expand their businesses and/or for redevelopment. 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 located in a freight district with limited connectivity for all modes. The southernmost portion of the street vacation abuts a railroad line and state highway, and the westernmost portion is an access point to a private property, making future connections unlikely. The vacation maintains access to NE Holland Street. As part of the LID, right-of-way improvements, including new sidewalks, will be made. This criterion is met.

IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

A blanket easement will be reserved over the entire area to be vacated for any utility company that may have facilities. The proposed street vacation request was reviewed by the following bureaus and agencies and is subject to the identified conditions:

PBOT Development Review	No objection
PBOT Right-of-Way Acquisition	No objection
PBOT Parking Control	No objection
PBOT Transportation Planning	No objection
PBOT Permit Engineering	No objection
PBOT Signals & Street Lighting	No objection
PBOT Transportation Systems Management	No objection
PBOT Active Transportation	No objection
PBOT Bridges and Structures	No objection
Bureau of Development Services	No objection subject to the following conditions: A Lot Consolidation is required for all lots losing street frontage as a result of the vacation. The Lot Consolidation will be recorded prior to or concurrently with the Street Vacation Ordinance.
Portland Water Bureau	No objection
Bureau of Environmental Services	No objection
Portland Fire and Rescue	No objection
Urban Forestry	No Objection subject to the following condition: Two Douglas Fir trees and two Western Red Cedar trees are located within the area proposed for vacation and will become part of a privately owned land parcel with industrial zoning. These existing four large evergreen

	trees will be protected by a Conservation Easement granted to the City of Portland by the fee title owner of the property. Said easement document will be recorded concurrently with the Street Vacation Ordinance.
Portland Parks and Recreation	No objection
Bureau of Technology Services Corporate GIS	No objection
TriMet	No objection
Pacific Power	No facilities in the street area
Comcast	No response
ODOT	No response
Port of Portland	No objection
PGE	No facilities in the street area
CenturyLink	Have facilities in the street area; reserve easement.
Northwest Natural	No facilities in the street area

V. NEIGHBORHOOD RESPONSE

Notice of this proposed street vacation request was provided to the Concordia Neighborhood Association, Northeast Coalition of Neighborhoods, and Columbia Corridor Association. The Concordia Neighborhood Association responded that it would be unable to take a position on the proposal until it was determined that the area proposed for vacation was not needed as part of the Columbia/Lombard Mobility Corridor Plan. Project managers for the plan have confirmed that the proposed vacation area has not been identified for future use.

Notice of the Planning and Sustainability Commission meeting will be sent to affected properties in the surrounding area.

VI. CONCLUSIONS

Based on the above analysis, PBOT 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 A, with conditions:

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

PBOT 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. Street View Photo

Bureau of Transportation Staff Planner

Bob Kellett

503/823-6127

Bob.Kellett@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager

Exhibit 2



Exhibit 3

