

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 Portland.gov/Transportation

Jo Ann Hardesty Commissioner **Chris Warner** Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #6753

COMMISSION MEETING TO BE HELD: JANUARY 26, 2021, 5:00 PM

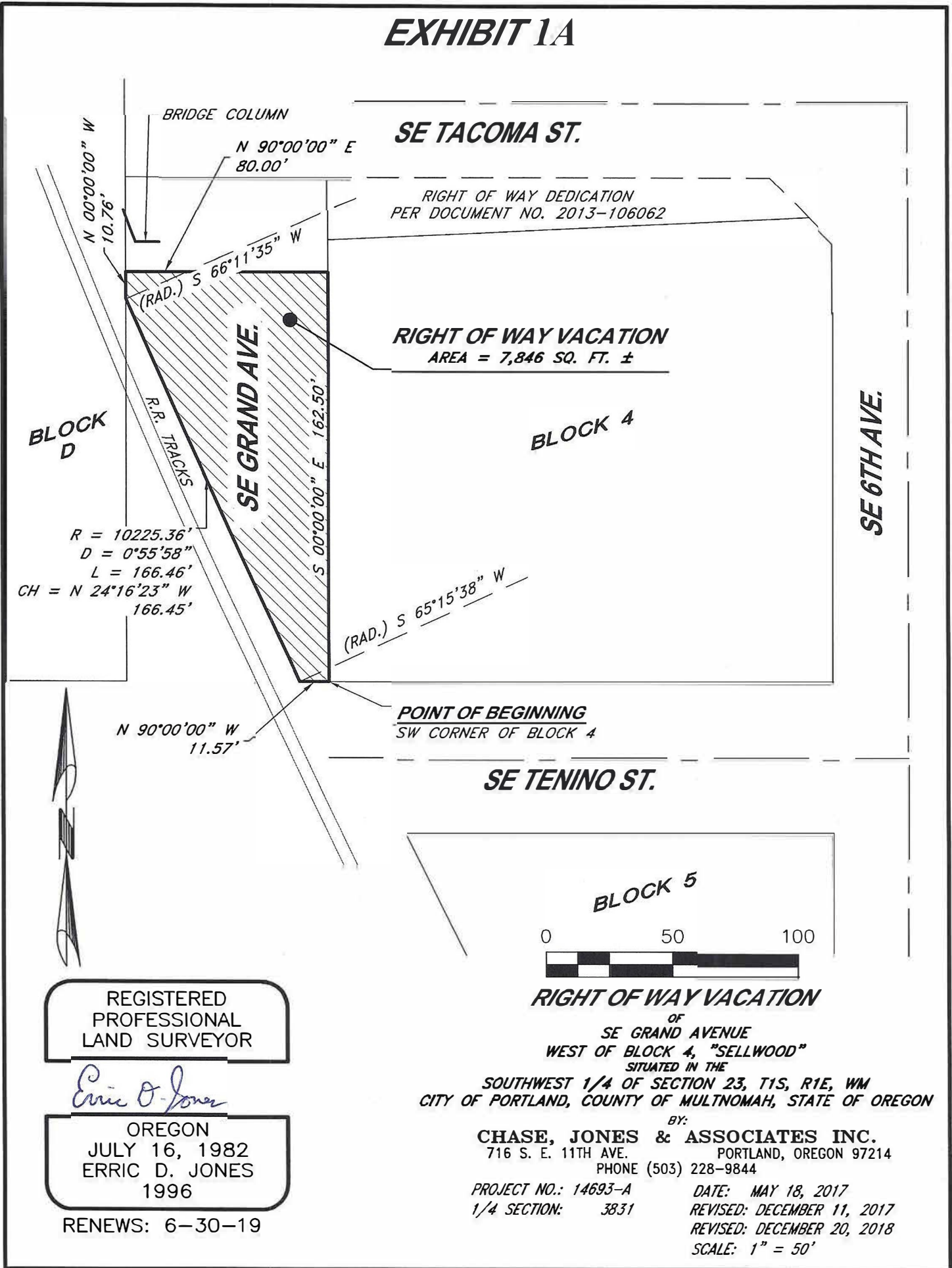
I. GENERAL INFORMATION

Street Vacation Request:	Portions of SE Grand Avenue and SE Tenino Street
Petitioner:	The street vacation has been initiated by Diana Richardson of D J Richardson Properties LP and David S. Stoner. The Petitioners' representative is Peter Fry, peter@finleyfry.com , 503-703-8033.
Purpose:	The vacation, if approved, will 1) allow parking for the autobody shop on the south side of SE Tenino Street; 2) consolidate property & increase FAR which will broaden development options for the property to the north, 3) improve access to Petitioner's property to the north which is currently problematic; and 4) eliminate unwanted remnants of right-of-way.
Neighborhood:	Sellwood-Moreland Improvement League
State ID:	1S1E23CC 3200 and 8600
Designation/Zone:	CM2 (Commercial Mixed Use 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.

EXHIBIT 1A



SE TACOMA ST.

BRIDGE COLUMN

N 00°00'00" W 10.76'

N 90°00'00" E 80.00'

(RAD.) S 66°11'35" W

RIGHT OF WAY DEDICATION PER DOCUMENT NO. 2013-106062

RIGHT OF WAY VACATION AREA = 7,846 SQ. FT. ±

SE GRAND AVE.

R.R. TRACKS

S 00°00'00" E 162.50'

(RAD.) S 65°15'38" W

BLOCK 4

SE 6TH AVE.

BLOCK 5

SE TENINO ST.

POINT OF BEGINNING SW CORNER OF BLOCK 4

N 90°00'00" W 11.57'

BLOCK D

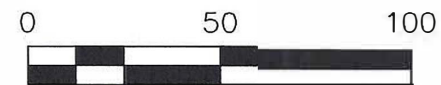
R = 10225.36'
 D = 0°55'58"
 L = 166.46'
 CH = N 24°16'23" W 166.45'

REGISTERED PROFESSIONAL LAND SURVEYOR

Eric D. Jones

OREGON
 JULY 16, 1982
 ERRIC D. JONES
 1996

RENEWS: 6-30-19



RIGHT OF WAY VACATION

OF
SE GRAND AVENUE
 WEST OF **BLOCK 4, "SELLWOOD"**
 SITUATED IN THE

SOUTHWEST 1/4 OF SECTION 23, T1S, R1E, WM
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

BY:
CHASE, JONES & ASSOCIATES INC.
 716 S. E. 11TH AVE. PORTLAND, OREGON 97214
 PHONE (503) 228-9844

PROJECT NO.: 14693-A DATE: MAY 18, 2017
 1/4 SECTION: 3831 REVISED: DECEMBER 11, 2017
 REVISED: DECEMBER 20, 2018
 SCALE: 1" = 50'

EXHIBIT 1B

SE TACOMA ST.

RIGHT OF WAY VACATION
PER DOCUMENT NO. 2013-106062

SE GRAND AVE.

BLOCK 4

RIGHT OF WAY VACATION

AREA = 6,049 SQ. FT. ±

SE 6TH AVE.

N 90°00'00" W
11.57'

(RAD.) S 65°15'38" W

POINT OF BEGINNING
SW CORNER OF BLOCK 4

3.0'

(RAD.) S 65°04'31" W N 90°00'00" W 197.00'

N 90°00'00" E 194.69'

SE TENINO ST.

N 00°00'00" W
30.00'

R = 10225.36'
D = 0°11'07"
L = 33.06'
CH = N 24°49'56" W
33.06'

R.R. TRACKS

BLOCK 5



RIGHT OF WAY VACATION

OF
SE TENINO STREET
SOUTH OF BLOCK 4, "SELLWOOD"
SITUATED IN THE

SOUTHWEST 1/4 OF SECTION 23, T1S, R1E, WM
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

BY:

CHASE, JONES & ASSOCIATES INC.
530 N.E. COUCH ST. PORTLAND, OREGON 97232
PHONE (503) 228-9844

PROJECT NO.: 14693-B
1/4 SECTION: 3831

DATE: MAY 18, 2017
REVISED NOVEMBER 6, 2017
REVISED DECEMBER 14, 2020
SCALE: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

RENEWS: 6-30-21

EXHIBIT 1C

POINT OF COMMENCEMENT
SW CORNER OF BLOCK 4

N 90°00'00" W
11.57'

(RAD.) S 65°15'38" W
BLOCK 4

(RAD.) S 65°04'31" W
R = 10225.36'
D = 0°11'08"
L = 33.11'
S 64°53'23" W

SE TENINO ST.

R = 10225.36'
D = 0°22'15"
L = 66.16'
CH = S 24°55'30" E
66.16'

(RAD.) S 64°53'23" W
N 90°00'00" W 194.69'

N 90°00'00" E 166.00'

N 90°00'00" E
14.69'

POINT OF BEGINNING

R.R. TRACKS

SE GRAND AVE.

RIGHT OF WAY VACATION
AREA = 5,631 SQ. FT. ±

BLOCK 5

SE 6TH AVE.

SE UMATILLA ST.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

RENEWS: 6-30-21

RIGHT OF WAY VACATION

OF
SE TENINO STREET
NORTH OF BLOCK 5, "SELLWOOD"
SITUATED IN THE

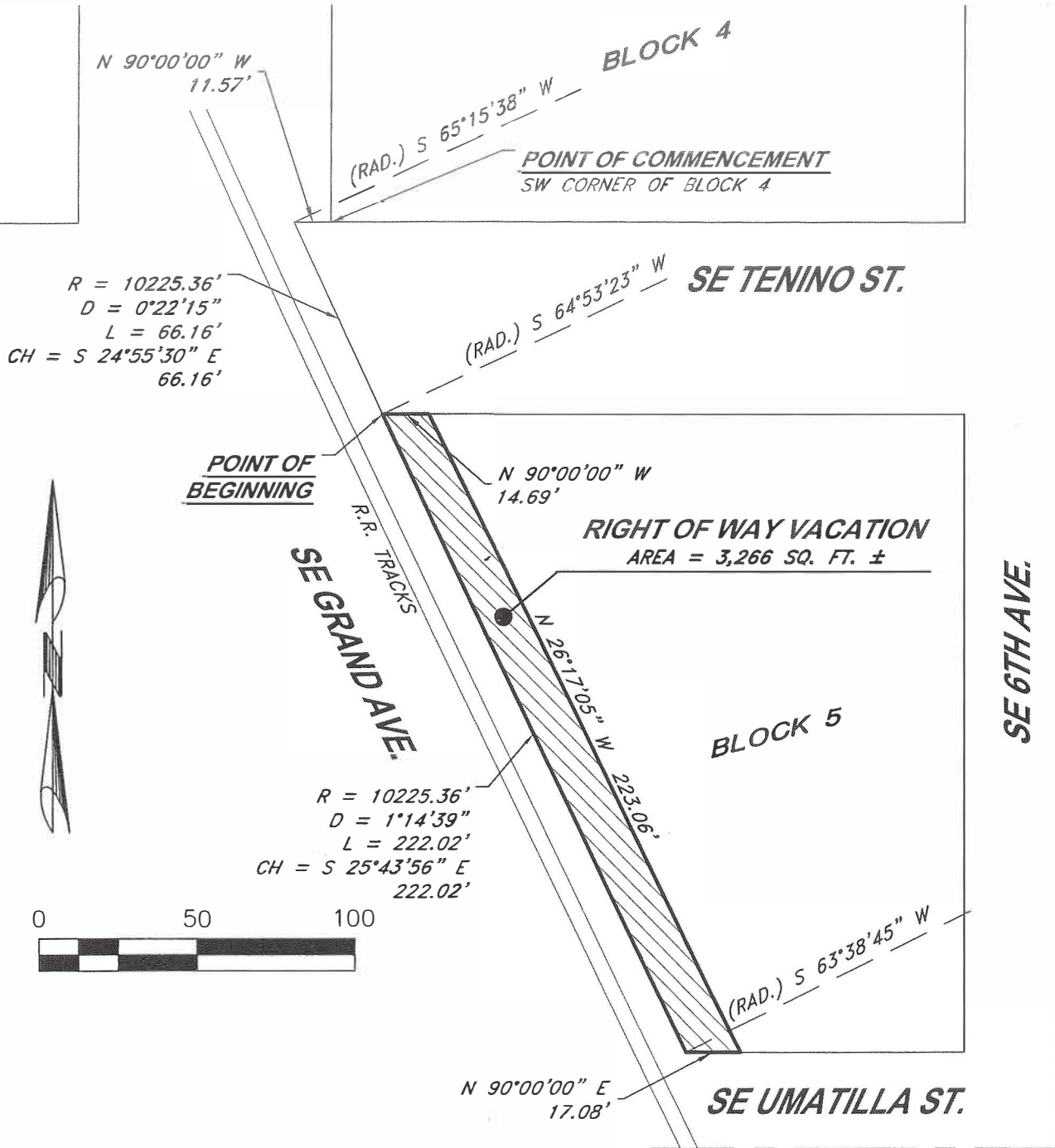
SOUTHWEST 1/4 OF SECTION 23, T1S, R1E, WM
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

BY:
CHASE, JONES & ASSOCIATES INC.
530 N.E. COUCH ST. PORTLAND, OREGON 97230
PHONE (503) 228-9844

PROJECT NO.: 14693-C
1/4 SECTION: 3831

DATE: MAY 18, 2017
REVISED DECEMBER 14, 2020
SCALE: 1" = 50'

EXHIBIT 1D



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Eric D. Jones

OREGON
 JULY 16, 1982
 ERRIC D. JONES
 1996

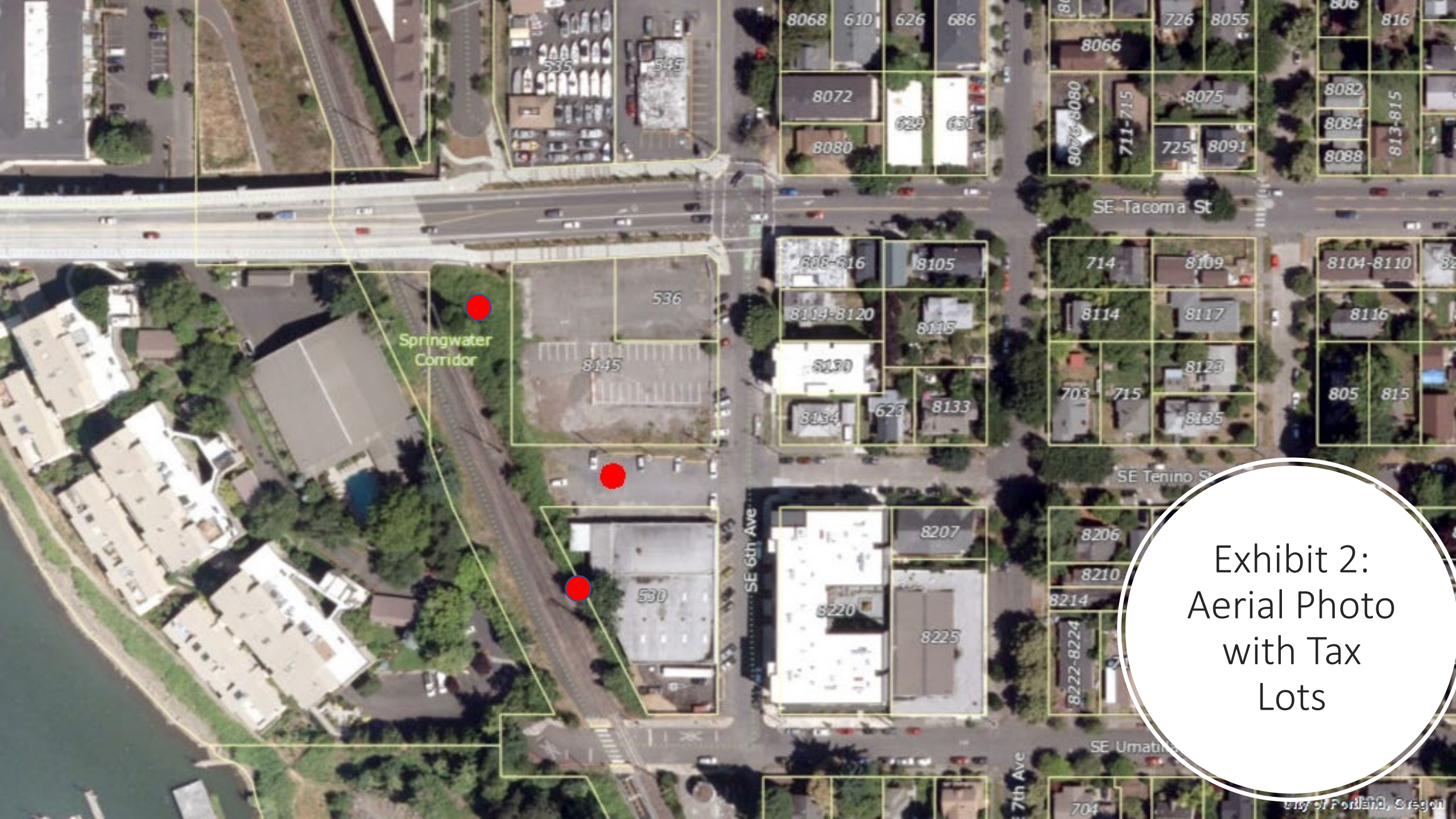
RENEWS: 6-30-17

RIGHT OF WAY VACATION
 OF
 SE GRAND AVENUE

WEST OF BLOCK 5, "SELLWOOD"
 SITUATED IN THE
 SOUTHWEST 1/4 OF SECTION 23, T1S, R1E, WM
 CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

BY:
CHASE, JONES & ASSOCIATES INC.
 716 S. E. 11TH AVE. PORTLAND, OREGON 97214
 PHONE (503) 228-9844

PROJECT NO.: 14693-D DATE: MAY 18, 2017
 1/4 SECTION: 3831 SCALE: 1" = 50'



Springwater
Corridor

SE Tacoma St

SE Tenino St

SE 6th Ave

SE Umatilla St

7th Ave

Exhibit 2:
Aerial Photo
with Tax
Lots



SW Sellwood Bridge

SE Tacoma St

SE Tacoma St

Springwater on the Willamette

SE 6th Ave

SE 7th Ave

The Muddy Rudder
Public House
Takeout

Wheel House Lofts

SE Tenino St

SE Tenino

Tom Dwyer
Automotive Services
Auto repair shop

Holm at Sellwood
Apartments

Rose & Rose

The Essential
Oil Company
Aromatherapy
supply store

SE Umatilla St

SE Umatilla St

SE Umatilla

Exhibit 2b:
Aerial Photo



Exhibit 3: SE
Tenino St
looking
west

II. FACTS

A. History and Background

A previous request to vacate portions of SE Grand Avenue and SE Tenino Street was received in March of 2007. Due to the reconstruction of the Sellwood Bridge, the vacation request was denied. When the reconstruction of the bridge was completed, the Petitioner applied for a Street Vacation Early Assistance Review (EA) which was held on July 20, 2016 (EA16-195801). This was followed by an EA for development of a commercial/residential mixed-use development (EA17-147942) on May 10, 2017. The requested area to be vacated was reduced per Multnomah County's request. The petition was then certified by the Auditor's Office January 8, 2020.

The portion of SE Grand Avenue that is proposed for vacation is presently an unimproved right-of-way with no connection to the Sellwood Bridge to the north. It is bordered to the west by a railroad and the Springwater Corridor multi-use path. The portion of SE Tenino that is proposed for vacation is presently an unimproved right-of-way that dead ends to the west at the railroad tracks.

The vacation, if approved, will 1) allow parking for the autobody shop on the south side of SE Tenino Street; 2) consolidate property & increase FAR which will broaden development options for the property to the north, 3) improve access to Petitioner's property to the north which is currently problematic; and 4) eliminate unwanted remnants of right-of-way.

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, both SE Grand Avenue and SE Tenino Street are classified as a local service transit street, local service traffic street, minor emergency response street, local service bikeway, local service walkway, local freight 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.

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 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 surrounding transportation network in the area is a well-developed grid. 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 district with good connectivity for all modes. SE Grand Avenue is a remnant piece of right-of-way that does not connect to the Sellwood Bridge. SE Tenino Street terminates at a railroad at its westernmost point. The railroad, Springwater Trail, and terrain make future connections unlikely. A connection to the Springwater Trail exists on block to the south on SE Umatilla Street 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 subject to the following condition: Leave 3 feet of SE Tenino St. as ROW to accommodate frontage improvements along west side of SE 6th Ave., including a curb located 32-ft from the face of curb on the east side of the street and a 15-ft wide sidewalk corridor (0.5-ft curb, 8-ft public stormwater facility, 6-ft sidewalk, and a 0.5-ft frontage zone). Applicant shall complete the Concept Review phase of the Public Works process (30%) and bonding/contract must be in place prior to recording of vacation ordinance.
-------------------------	---

PBOT Right-of-Way Acquisition	No objection
PBOT Parking Control	No objection
PBOT Transportation Planning	No objection
PBOT Permit Engineering	No objection subject to the following condition: Submit public works plans for the closure of the SE Tenino street frontage per the conditions of Development Review and obtain approval through concept phase, and either submit a performance guarantee or complete construction prior to recording of the street vacation.
PBOT Signals & Street Lighting	No objection
PBOT Transportation Systems Management	No objection
PBOT Active Transportation	No objection
PBOT Bridges and Structures	No objection subject to the following condition: Provide 5 ft. wide public retaining wall maintenance and inspection easement at the southern end of the SE Grand Ave. vacation area, which is at the intersection of SE Grand Ave. and the north side of SE Umatilla Street.
Bureau of Development Services	No objection subject to the following condition: A Lot Consolidation review is required to remedy land-locked lots being created abutting vacated rights-of-ways. Lots 5, 6, and 7 of Block 4 and Lots 6, 7 and 8 of Block 5, Sellwood, must be consolidated into one or more parcels that will continue to have street frontage after the Street Vacation is recorded. The lot consolidation plat must be recorded prior to or concurrent with the street vacation approval. Any future development of the site is subject to review at the time of application. 530 SE Tenino St. will need to be readdressed off another street.
Portland Water Bureau	No objection
Bureau of Environmental Services	No objection subject to the following condition: Three sewer easements to be granted to the City, all to the satisfaction of BES:- A 20-foot wide easement centered over the 12-inch combined sewer located in SE Tenino Street.- A 20-foot wide easement centered over the 32-inch combined sewer located in SE Grand Ave., north of SE Tenino St.- An easement of variable width (up to a maximum of 20-feet wide) over the 12-inch sanitary sewer in SE Grand Ave. to the south of SE Tenino St. to ensure BES has 10 feet of access on both sides of the existing pipe. BES may support abandonment and decommissioning of all or a portion of this sewer if Petitioner can demonstrate, through investigation and City review, that abandonment is feasible and in the interest of the Petitioner and BES. Abandonment may decrease the required easement area. The Petitioner must bear all costs associated with abandonment. Easement locations to be

	based on field-verified and surveyed locations of the sewer infrastructure
Portland Fire and Rescue.	No objection
Urban Forestry	No objection
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	Have facilities in street area (SE Tenino St. and SE Grand Ave.); reserve easement.
CenturyLink	Have facilities in street area (at SE Tenino and SE 6th Ave.); reserve easement.
Northwest Natural	Have facilities in street area (SE Tenino St.); reserve easement.
Multnomah County	No objection subject to the following condition: Provide an easement for bridge access, inspection, and maintenance at the northern end of the SE Grand Ave. vacation area, at the intersection of SE Grand Avenue and SE Tacoma Street.

V. NEIGHBORHOOD RESPONSE

Notice of this proposed street vacation request was provided to the Sellwood-Moreland Improvement League, Sellwood-Moreland Business Alliance, and SE Uplift Neighborhood Coalition. No responses were received.

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

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 Photos
3. Street View Photo: SE Tenino Street looking west

Bureau of Transportation Staff Planner

Bob Kellett

503/823-6127

Bob.Kellett@portlandoregon.gov

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