

# 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](http://Portland.gov/Transportation)

**Jo Ann Hardesty** Commissioner **Chris Warner** Director

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

**FILE NUMBER: R/W #9235**

**COMMISSION MEETING TO BE HELD: JANUARY 25, 2021, 5:00 PM**

### I. GENERAL INFORMATION

<b>Street Vacation Request:</b>	Unnamed Right-of-Way off NE 33 <sup>rd</sup> Dr and NE Marine DR
<b>Petitioner:</b>	The street vacation has been initiated by J.D. Watumull. The Petitioner's representative is Philip Sydnor and can be reached at 503-312-2561 or <a href="mailto:phil@integratearch.com">phil@integratearch.com</a> .
<b>Purpose:</b>	The vacation request is to consolidate the street area to the adjoining property for development of a vehicle washing station and a diesel and gasoline fueling station under Land Use Case No. LU19-252462
<b>Neighborhood:</b>	Sunderland Association of Neighbors
<b>State ID:</b>	1N1E01BC 300
<b>Designation/Zone:</b>	IG 2hxx (General Industrial)



*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 A**

**Right-of-Way Vacation**

January 11, 2021  
NWS Project No. 1931

A variable width tract of land located in the northwest one-quarter of Section 1, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being a portion of that property quitclaimed to the City of Portland by deed recorded August 16, 2019 as Document No. 2019-085747, Multnomah County Deed Records, and more particularly described as follows:

Commencing at a 5/8 inch iron rod located at the southwest corner of that property conveyed to WPC Marine LLC by deed recorded September 20, 2018 as Document No. 2018-098665, Multnomah County Deed Records, and from which point a 5/8 inch iron rod located at the northeast corner of Parcel 3 of Partition Plat No. 1997-124 bears South 15°31'21" East a distance of 1953.10 feet; thence along the westerly line of said WPC Marine LLC property, North 03°16'44" East a distance of 144.48 feet to the southwest corner of said City of Portland property and the Point of Beginning; thence along the westerly line of said City of Portland property, North 03°16'44" East a distance of 63.32 feet to the northwest corner thereof; thence along the northerly boundary of said City of Portland property the following three (3) courses; South 68°04'26" East a distance of 201.53 feet to a point of curvature; 339.14 feet through the arc of a tangent 924.93 foot radius circular curve to the left, said curve having a central angle of 21°00'30", a chord bearing of South 78°34'41" East and a chord length of 337.24 feet to a point of tangency; South 89°04'56" East a distance of 76.08 feet to the northeast corner thereof, said point being on the westerly right-of-way line of NE 33<sup>rd</sup> Drive, 30.00' westerly of the centerline thereof, when measured at right angles; thence along said westerly right-of-way line, South 03°09'04" West a distance of 15.87 feet to a point; thence departing the easterly line of said City of Portland property, North 86°50'56" West a distance of 20.00 feet to a point; thence parallel with and 20.00 feet westerly of the easterly line of said City of Portland property, when measured at right angles, South 03°09'04" West a distance of 110.79 feet to a point; thence North 90°00'00" West a distance of 69.09 feet to a point; thence South 03°40'55" West a distance of 8.03 feet to a point on the southerly boundary of said City of Portland property; thence along said southerly boundary 69.65 feet through the arc of a non-tangent 218.00 foot radius circular curve to the left, said curve having a central angle of 18°18'18", a chord bearing of North 58°55'17" West and a chord length of 69.35 feet to a point of tangency; thence North 68°04'26" West a distance of 475.68 feet to the Point of Beginning.

Said described tract of land contains 48,219 square feet, more or less.

Bearings are based on Survey No. 65106, Multnomah County Survey Records.



# NORTHWEST SURVEYING, Inc.

1815 NW 169TH PLACE  
 SUITE 2090  
 BEAVERTON, OR 97006  
 PHONE: (503) 848-2127  
 FAX: (503) 848-2179

## EXHIBIT B - RIGHT-OF-WAY VACATION

RIGHT-OF-WAY LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 1,  
 TOWNSHIP 1 NORTH, RANGE 1 EAST, W.M.,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JUNE 30, 1997  
 SCOTT F. FIELD  
 2844

RENEWS: 12-31-2021



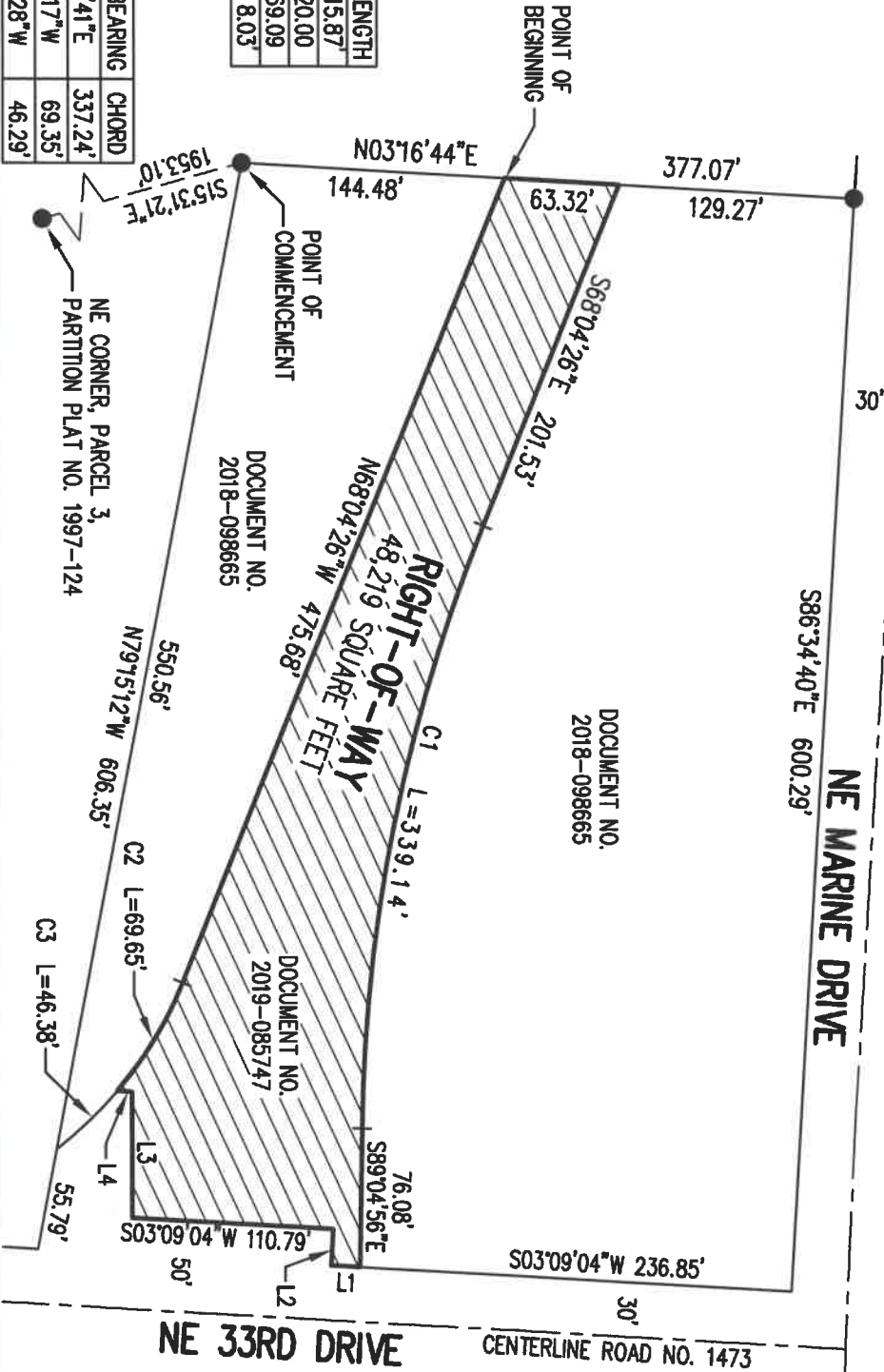
● 5/8" IRON ROD

### LINE TABLE

LINE	BEARING	LENGTH
L1	S03°09'04"W	15.87'
L2	N86°50'56"W	20.00'
L3	N90°00'00"W	69.09'
L4	S03°40'55"W	8.03'

### CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	339.14'	924.93'	21°00'30"	S78°34'41"E	337.24'
C2	69.65'	218.00'	18°18'18"	N58°55'17"W	69.35'
C3	46.38'	218.00'	12°11'19"	N43°40'28"W	46.29'



### LEGAL:

RIGHT-OF-WAY IN THE NW1/4 OF SEC. 1, T.1N., R.1E., W.M.,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



RIGHT-OF-WAY  
 VACATION AREA

SCALE: 1" = 100'

JOB NAME: 33RD & MARINE  
 JOB NUMBER: 1931  
 DRAWING NUMBER: 1931 VAC.  
 DRAWN BY: SFF  
 DATE: JANUARY 11, 2021

1/4 SECTION: 1933 SECTION: 1N1E1BC



Exhibit C: Aerial Photos

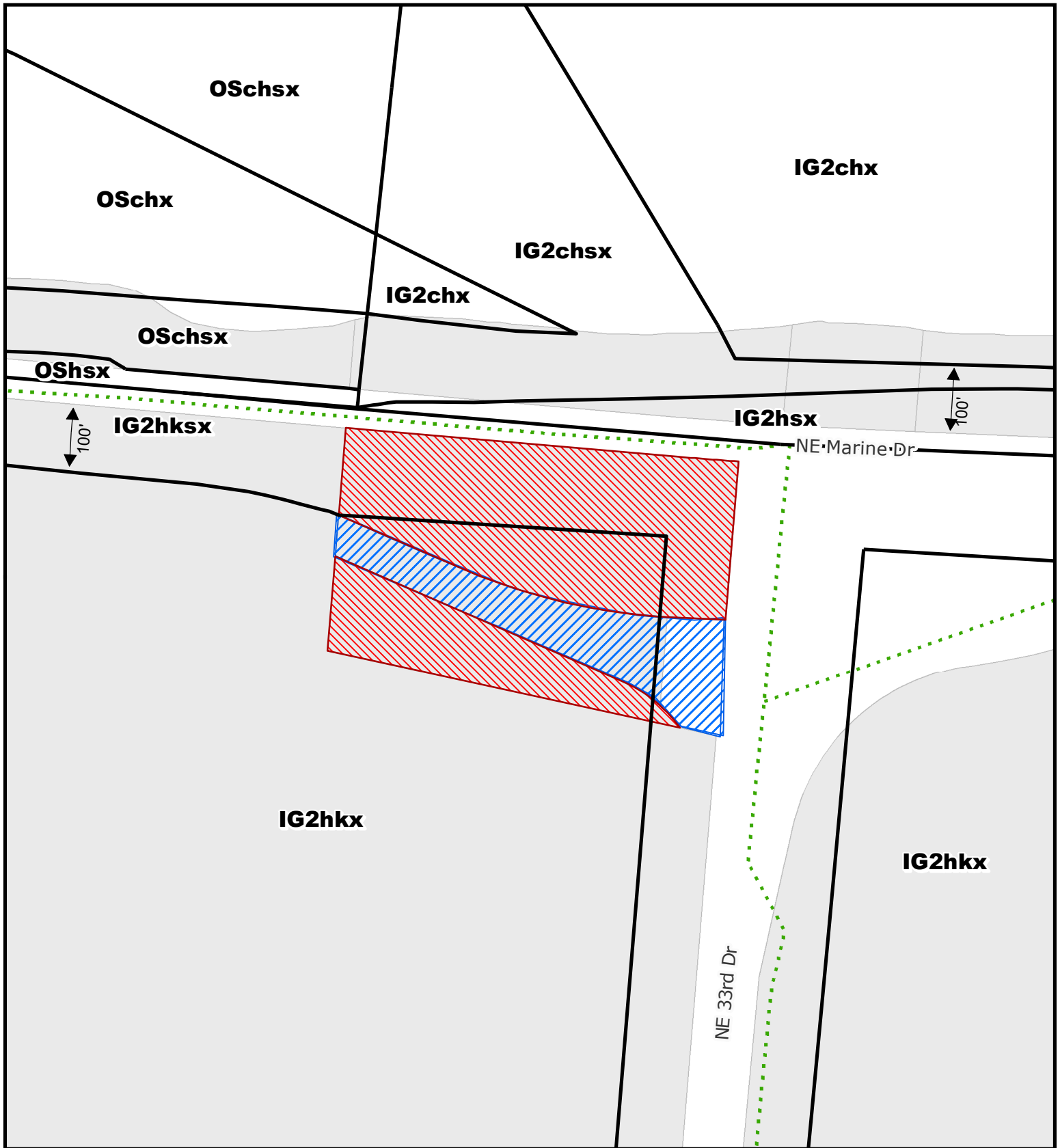




Exhibit C: Aerial Photos







# ZONING



PORTLAND INTL AIRPORT PLAN DISTRICT  
AIRPORT SUBDISTRICT



Site



Street Vacation Request



Recreational Trails

File No. EA 20 - 172256 APPT

1/4 Section 1933

Scale 1 inch = 200 feet

State ID 1N1E01BC 300

Exhibit B Aug 04, 2020

## II. FACTS

### A. History and Background

The proposed right-of-way to be vacated is unnamed and unimproved. It bisects an industrially zoned property that presently is used for rental equipment and services related to restoration and drying equipment, emergency power and distribution, and climate and humidity control. Under Land Use Case No. LU19-252462, the property owner seeks to consolidate the right-of-way in order to facilitate the development of a vehicle washing station and a diesel and gasoline fueling station.

### B. Concurrent Land Use Actions

LU19-252462

### C. The Transportation Element

In the 2035 Transportation System Plan, the unnamed right-of-way is classified as a City Walkway, Local Service Bikeway, Local Service Transit Street, Local Service Truck Street, Local Design Street, Minor Emergency Response, and Local Service Traffic Street.

### 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 Section 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 be consolidated with the abutting properties. 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:* An unbuilt portion of the Marine Drive Trail, part of the regional trail network and designated on the 2035 Comprehensive Plan map, is planned to cross NE 33<sup>rd</sup> Dr and continue west along the southern property line. With the conditions outlines in Section IV, the trail can be built as planned. 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	<b>No objection subject to the following condition:</b> Prior to recording the street vacation ordinance, the petitioner must grant the City, an easement for a future trail along the length of the southern edge of the property or a location as approved by the City Engineer or Bureau Director.
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
Portland Water Bureau	No objection
Bureau of Environmental Services	<b>No objection subject to the following condition:</b> Petitioner must grant a 20-foot wide sewer easement to the City for the existing 36" sanitary pressure main.
Portland Fire and Rescue.	No objection
Urban Forestry	No objection



Portland Parks and Recreation	<b>No objection subject to the following conditions:</b> Property owner will grant a 30-foot easement to the City for a recreational trail
Bureau of Technology Services Corporate GIS	No objection
TriMet	No objection
Pacific Power	No objection
Comcast	No objection
ODOT	No response
Port of Portland	No objection
PGE	No objection
CenturyLink	No objection
Northwest Natural	No response

## V. NEIGHBORHOOD RESPONSE

Notice of this proposed street vacation request was provided to the Sunderland Association of Neighbors and Central Northeast Neighbors. No responses were received.

Notice of the Planning and Sustainability Commission meeting was sent 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

- Legal Description
- Area proposed for vacation
- Aerial photos
- Zoning Map

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

cc: Dee Walker, Right-of-Way Case Manager