

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Jo Ann Hardesty Commissioner Chris Warner Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #9251

COMMISSION MEETING TO BE HELD: 09/27/2022

I. GENERAL INFORMATION

Street Vacation Request: NE 24th Avenue, south of NE Columbia Boulevard

Petitioner: James Brady & Douglas McQuown, Arctic Sheet Metal, 2310 NE Columbia Blvd, Portland, OR 97214

The petitioner's representative is Robin Scholetsky, Urban Lens Planning, (971) 706-8720, robin@urbanlensplanning.net.

Purpose: The stated purpose for the proposed street vacation is to allow flexibility for future development of a new building. The street vacation request bisects the Petitioner's property.

Neighborhood: Concordia

State ID: 1N1E14AA 500

Designation/Zone: IG2hk (general industrial zoning (IG2) with aircraft landing (h) and prime industrial (k) overlay zones)



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II. FACTS

A. History and Background

James Brady & Douglas McQuown of Arctic Sheet Metal are requesting a street vacation to allow flexibility for future development of a new building. The proposed street vacation site, NE 24th Ave, south of NE Columbia Blvd, is a paved right-of-way without other improvements, that bisects that petitioner's property.

The site is located in the Concordia Neighborhood and has a general industrial zoning designation with aircraft landing and prime industrial overlay zones. General industrial 2 (IG2) zones generally have larger lots and irregular or large block patterns. The areas are less developed with sites having medium and low building coverages which are usually set back from the street. The aircraft landing overlay zone (h) limits the height of structures and vegetation in the vicinity of the Portland International Airport and the prime industrial overlay zones (k) are identified in the Comprehensive Plan as priority areas to protect for industrial land uses.

B. Concurrent Land Use Actions

Not applicable for this site.

C. The Transportation Element

In the 2035 Transportation System Plan, the area proposed for vacation on NE 24th Ave is classified as a local service street for bicycle, pedestrian, traffic, emergency response, freight, design, and transit.

D. Neighborhood Plan

The area proposed for vacation has not been identified for current or future use in any existing 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 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. It is currently a paved right-of-way, without other improvements such as sidewalks, that does not serve a transportation function. **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 by Bureau of Environmental Services and Union Pacific Railroad. The vacated area is not identified as a view corridor or viewpoint. It is supportive of present and future stormwater functions, per compliance with conditions outlined in Section IV by Bureau of Environmental Services. **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. The right-of-way proposed for vacation is not required for these purposes; however, future sidewalk improvements to the immediate north of the vacation area, as detailed in Section IV, are required by PBOT Development Review and PBOT Transportation Planning, PBOT Right-of-Way Management and Permitting. **This criterion is met.**

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

Comment: The right-of-way proposed for vacation bisects the petitioner's property. The area proposed for vacation does not impede the future best use, development of, or access to abutting property. Property-owners with frontage on NE 24th Ave appear to have alternate access points to their properties from NE Columbia Blvd. If vacated, the site will allow flexibility for future development of a new building. **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 area proposed for vacation is not a Through Street and is not identified as needed in the future to serve an interconnected system of public streets. The proposed right-of-way currently dead ends at the Union Pacific Railroad and does not have a rail crossing agreement in place to allow traffic to cross at this location. As detailed in Section IV by Union Pacific Railroad, the site will require an easement to accommodate an existing railroad spur. **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:

Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
PBOT Right-of-Way Acquisition Lance Lindahl	2/28/2022	Petition Certified
PBOT Development Review Michael Pina michael.pina @portlandoregon.gov 503-823-4249	5/19/2022	No objection subject to the following conditions: 1) City will retain the north 12.00 feet of NE 24th Ave for future sidewalk improvements along NE Columbia Blvd. 2) 30% Concept Plans will be approved by PBOT and a public surety bond will be in place for a 12 foot wide pedestrian corridor and driveway to be constructed along NE Columbia Blvd at Petitioner expense.
PBOT Transportation Planning Mel Hogg Mel.hogg@portlandoregon.gov 503-823-4554	5/23/2022	No objection subject to the following condition: City will retain the north 12.00 feet of NE 24th Ave for future sidewalk improvements along NE Columbia Blvd.
PBOT Permit Engineering Chris Wier christopher.wier@portlandoregon.gov 503-823-7227	5/19/2022	No objection subject to the following condition: Public Works Permit and bond as required by PBOT Development Review response.
PBOT Transportation Systems Management Rick Nys richard.nys@portlandoregon.gov 503-823-5220	5/23/2022	No objection subject to the following conditions: 1)Petitioner will design and install eastbound white dotted lane line markings and two way left turn pavement markings on NE Columbia Blvd to connect the markings across the vacated NE 24th Ave intersection. 2) Petitioner will remove and dispose of the existing street name signs, dead end signs, and post at the vacated NE 24th Ave intersection.
PBOT Active Transportation Scott Cohen	4/26/2022	No Objection.
PBOT Bridges and Structures Cameron Glasgow	4/21/2022	No Objection.
PBOT Street Lighting Charles Radosta	4/21/2022	No Objection.
PBOT Parking Control Peter Wojcicki	5/13/2022	No Objection.

Commenting Party	Response Date	Comments / Conditions
PBOT Right-of-Way Management and Permitting David McEldowney david.mceldowney@portlandoregon.gov 502-823-7465	7/29/2022	No objection subject to the following condition: Properties currently addressed as 2310, 2320-2330, 2420, and 2600 NE Columbia Boulevard are required to dedicate approximately 5.00 feet along their NE Columbia Boulevard frontages in order to bring the sidewalk up to current City standards. Petitioner will provide the City with professionally prepared legal descriptions and exhibit maps at the Petitioner's expense describing and depicting the areas to be dedicated in order to establish a 12-foot-wide sidewalk corridor.
Development Services - LU Lois Jennings	5/12/2022	No Objection.
Development Services - Addressing Viktor Palchey	5/27/2022	No Objection.
Environmental Services Emma Kohlsmith emma.kohlsmith@portlandoregon.gov 503-823-7195	5/27/2022	No objection subject to the following conditions: 1) Property owners will grant a 20 foot-wide sewer easement to the City of Portland over the existing 8-inch sanitary sewer line that will remain in service to the satisfaction of BES. This easement will be offset, with 12 feet on one side of the pipe and 8 feet on the other. 2) BES requires clear and unobstructed access to maintenance hole ARA644 at all times for regular operations, maintenance and sampling. Property owners will mark with paint a 9 foot by 18 foot space over this hole as "No Parking" and a "No Parking" sign will be installed in close proximity to the striped area to the satisfaction of BES. The 9 foot by 18 foot space can be configured with the longer dimension running north/south or east/west, over the sewer hole must fall within that space.
Portland Water Bureau Kris Calvert	5/11/2022	No Objection.
Portland Fire & Rescue Paul Jennings	5/25/2022	No Objection.
Portland Parks & Recreation Adena Long	5/19/2022	No Objection.

Commenting Party	Response Date	Comments / Conditions
PP&R Urban Forestry Daniel Gleason	5/25/2022	No Objection.
OMF Corporate GIS Paul Cone	4/22/2022	No Objection.
Planning & Sustainability Commission	Pending	Response pending review by the Commission.
Neighborhood Associations Notified:		
Concordia Neighborhood Association Chair, Land Use Chair	NA	No Response.
NE Coalition of Neighborhoods	NA	No Response.
Columbia Corridor Association Corky Collier	4/25/2022	Letter of Support Received.
Railroad Company Notified:		
Union Pacific Railroad Aaron Galley / Greg Brigham	5/27/2022	No objection subject to the following conditions: 1) Property owners will grant an easement approximately 20 feet wide to Union Pacific for access to their existing tracks. Said easement be in a location approved by Union Pacific. The easement document will use template language provided and approved by Union Pacific. 2) An easement of sufficient width will be granted by the Petitioner to Amalgamated Sugar for the continued operation of their existing rail spur line OR property reversion rights will be transferred from the Petitioner so that the existing rail spur is located on land owned by Amalgamated Sugar upon recording of the Street Vacation Ordinance.
Local Agencies Notified:		
ODOT, Region 1 Jon Makler / Melanie Ware	NA	No Response.
ODOT, ODOT Rail Kurt Mohs	5/27/2022	Note Only: No public rail crossing for rail spur, no Rail Order to release of modify.
Port of Portland Lewis Lem	4/21/2022	No Objection.
TriMet Nick Stewart	NA	No Response.
Public Utilities Notified:		

Commenting Party	Response Date	Comments / Conditions
PGE Jennifer Stephens	NA	No Response.
Pacific Power Right-of-Way Manager	4/22/2022	No facilities in street area.
CenturyLink Kristi Michael	NA	No Response.
Northwest Natural Stephanie Baxter (not SE Port.)	NA	No Response.
Comcast Cable Stephanie Shannon	NA	No Response.

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Concordia Neighborhood Association, Northeast Coalition of Neighborhoods, and Columbia Corridor Association. A letter of support was received from the Columbia Corridor Association.

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. Property Description
2. Area Proposed for Vacation
3. Aerial Photo
4. Street View Photo
5. Letter of Support

Report prepared by:

Portland Bureau of Transportation Staff Planner

Mel Hogg

(503) 823-4554

mel.hogg@portlandoregon.gov

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

Exhibit 1: Property Description



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT

LAND SURVEYORS & ENGINEERS SINCE 1885

530 NE Couch St. | Portland | Oregon 97232
(503)-228-9844 | info@chasejonesinc.com

EXHIBIT "A"

Date: August 13, 2020
Project #: 15771

Right of Way Vacation
NE 24th Avenue

A tract of land situated in the Northeast Quarter of Section 14, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah, State of Oregon, being described as follows:

BEGINNING at the intersection of the North right of way line of the O.W.R. & N. Railroad right of way with the East right of way line of NE 24th Avenue, said point being 40.00 feet North of, when measured at right angles to, the centerline of said Railroad and 30.00 feet East of, when measured at right angles to, the centerline of said NE 24th Avenue, said point also being marked by a 2" iron pipe with a brass screw inside; thence North 74°25'00" West along the North right of way line of said Railroad a distance of 62.27 feet to the West right of way line of said NE 24th Avenue; thence North 00°04'00" East along the West right of way line of said NE 24th Avenue a distance of 313.04 feet to a point on the South line of that tract conveyed to the City of Portland for street purposes in Book 947, Page 1684, recorded September 10, 1973, and being on a 25.00 foot radius curve to the left; thence along said City of Portland tract and along said 25.00 foot radius curve to the left through a central angle of 71°52'07" (the long chord of which bears North 35°52'03" West a distance of 29.34 feet) a length of 31.36 feet to the South right of way line of NE Columbia Boulevard, said point being 35.00 feet South of, when measured at right angles to, the centerline of said NE Columbia Boulevard; thence South 71°48'07" East along the South right of way line of said NE Columbia Boulevard a distance of 81.25 feet to the East right of way line of the aforesaid NE 24th Avenue; thence South 00°04'00" West along the East right of way line of said NE 24th Avenue a distance of 328.17 feet to the **POINT OF BEGINNING**.

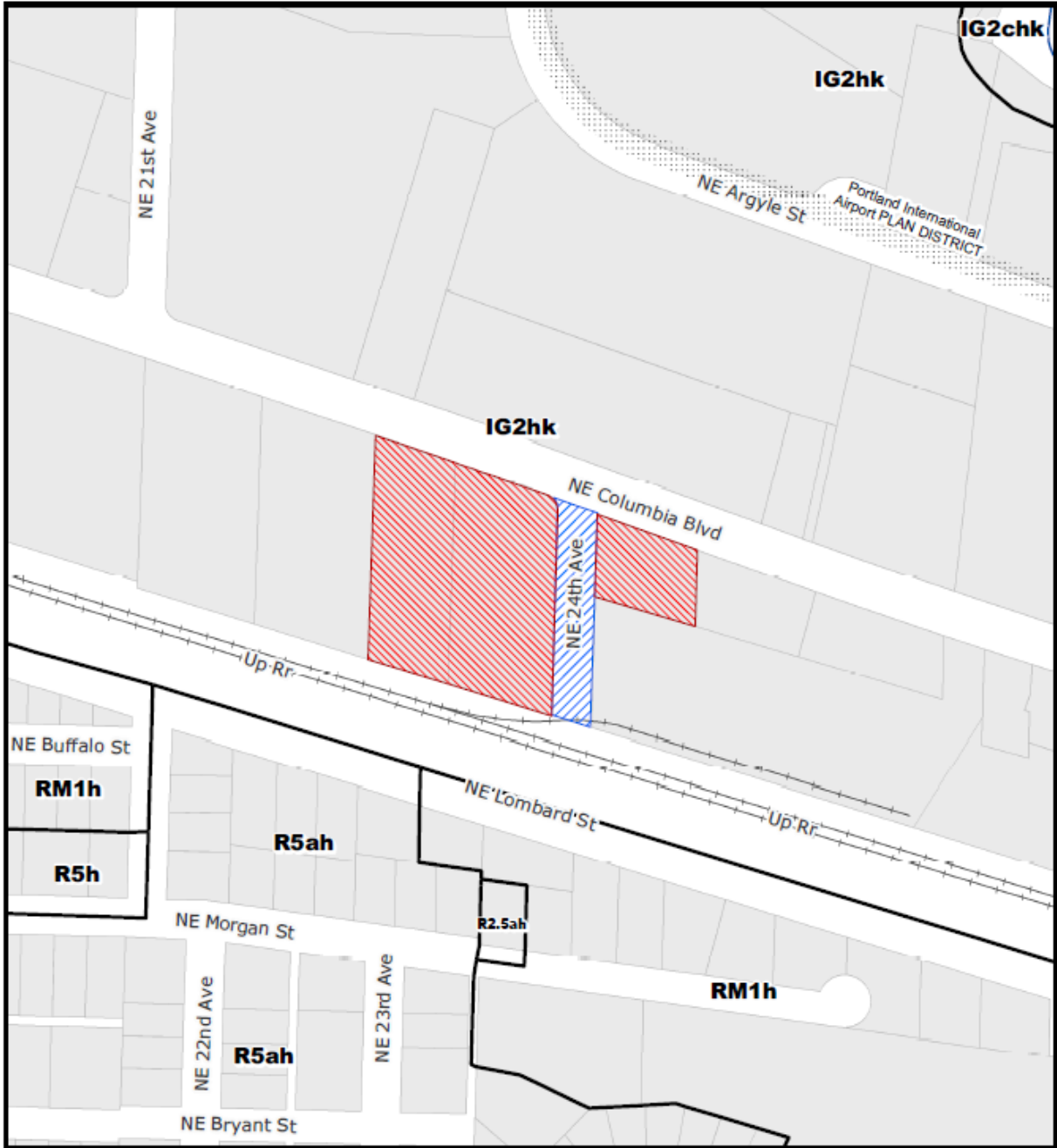
The above described right of way vacation contains 19,841 square feet, or 0.46 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1982
ERRIC D. JONES
1996




EXPIRES: 6-30-21

Exhibit 2: Area Proposed for Vacation

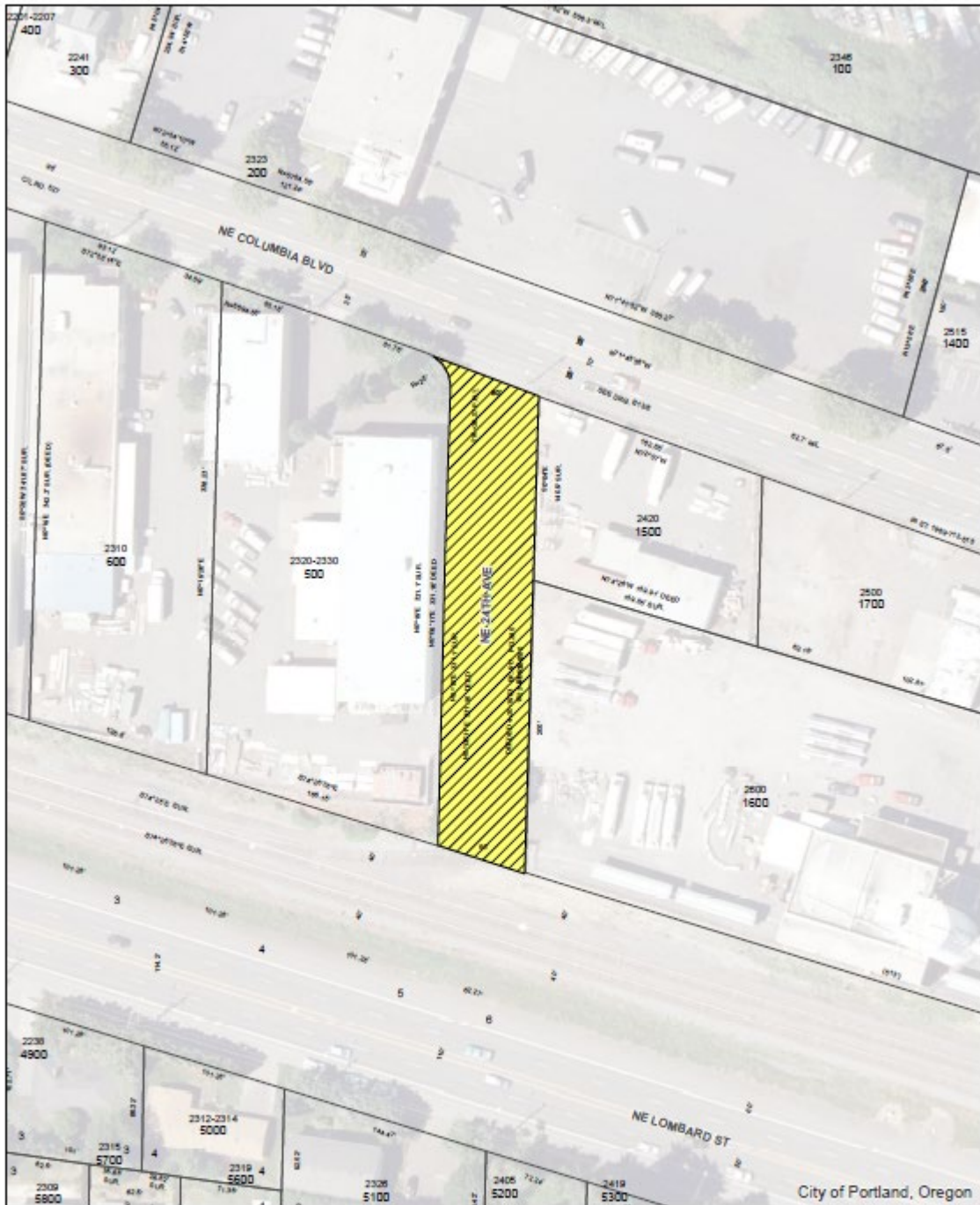


ZONING




-  Site
-  Street Vacation Request
-  Stream

File No.	<u>EA 20 - 136577 WRTN</u>
1/4 Section	<u>2332,2333</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E14AA 500</u>
Exhibit	<u>B Apr 16, 2020</u>



NE 24th Avenue south of NE Columbia Boulevard

Petitioner: James Brady
 Section: 1N1E14AA

 Area Proposed for Vacation



1 in = 100 ft

Exhibit 3: Aerial Photo



Exhibit 4: Street View Photo

NE 24th Ave right-of-way facing south towards railroad



Exhibit 5: Letter of Support



25 April 2022

Lance Lindahl
Right-of-Way Agent
Portland Bureau of Transportation
1120 SW Fifth Ave, Suite 1331
Portland, OR 97204

Re: Right-of-way vacation for NE 24th Avenue south of NE Columbia Boulevard, Section: 1N1E14AA

Dear Mr. Lindahl,

Thank you for your inquiry about vacating the right-of-way on NE 24th Avenue south of NE Columbia Boulevard. While our association is generally hesitant to vacate public rights-of-way, we feel this is a good example of when it makes sense.

The Columbia Corridor Association (CCA) is Oregon's largest economic corridor and home to 3,000 businesses employing 75,000 people in family wage jobs. We provide more family wage jobs to BIPOC communities than any other sector. The backbone of the Columbia Corridor is Columbia Blvd.

This section of street was designed as a through-connection that is no longer desired and will never happen. Vacating the right-of-way will reduce the city's liability and provide flexibility for adjacent property owners.

I have visited the site and spoken with Jim Brady at Arctic Sheet Metal. I'm impressed with his intentions and his outreach to nearby property owners. After checking with others, we find no objection to this action. CCA fully supports this change and welcomes your questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Corky Collier". The signature is written in a cursive, slightly slanted style.

Corky Collier
Executive Director