

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave, Suite 1331, Portland OR 97204

Main: 503-823-5185 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

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FILE NUMBER: R/W #9266

COMMISSION MEETING TO BE HELD: 09/27/2022

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### I. GENERAL INFORMATION

**Street Vacation Request:** N Kerby Avenue south of N Halleck Street

**Petitioner:** Robin Howser of Howser Steel, Inc. (503) 289-9328,  
[robin@howsersteel.com](mailto:robin@howsersteel.com)

The petitioner's representative is Colleen Nichols of Livermore Architecture and Engineering, (503) 892-3002 Extension 102, [colleenn@livermoreae.com](mailto:colleenn@livermoreae.com).

**Purpose:** The stated purpose for the proposed street vacation is to consolidate property to expand the existing steel manufacturing and processing company. Phase 1 is currently underway to add office and manufacturing space under Permit No. 20-194616 CO. Phase 2 will expand strictly the manufacturing side of the business and is expected to commence upon completion of Phase 1. The street vacation request area is adjacent to the Petitioner's property.

**Neighborhood:** Piedmont

**State ID:** 1N1E10CA 3900

**Designation/Zone:** IHhk (Heavy Industrial, Aircraft Landing Zone and Prime Industrial Overlay Zone)



*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**

Howser Steel, Inc. is planning to expand the existing steel manufacturing and processing facility on the proposed street vacation site. The proposed site is an unimproved right-of-way adjacent to the property. It is located in the Piedmont Neighborhood and has a heavy industrial designation with an aircraft landing zone and prime industrial overlay zone.

### **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 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 an unimproved right-of-way 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 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. The right-of-way proposed for vacation is not required for these purposes; however, sidewalk improvements, including construction of a curb and sidewalk to the immediate north of the vacation area, as detailed in Section IV, are required by PBOT Development Review and PBOT Permit Engineering. **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 is adjacent to 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 the east side of N Kerby Ave appear to access their properties from N Congress Ave, which runs parallel to N Kerby Ave. If vacated, it will support the expansion of a steel manufacturing and processing company. **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. **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
<b>City Bureaus / Departments Notified:</b>		
<b>Right-of-Way Acquisition</b> Lance Lindahl	4/18/22	Petition Certified.
<b>PBOT Development Review</b> Tammy Boren-King tammy.boren-king@portlandoregon.gov 503-823-2948	5/9/22	<b>No objection subject to the following conditions:</b> 1) Concept approval (30%) of Public Works Permit EP659 THI 168 will occur prior to the City Council public hearing being scheduled. 2) A public surety bond for the construction of a curb and sidewalk to the immediate north of the vacation area will be in place prior to the Ordinance being recorded.
<b>PBOT Transportation Planning</b> Mel Hogg	5/23/22	No Objection.
<b>PBOT Permit Engineering</b> Chris Wier 503-823-7227 christopher.wier@portlandoregon.gov	5/17/22	<b>No objection subject to the following conditions:</b> 1) Concept approval (30%) of Public Works Permit EP659 THI 168 will occur prior to the City Council public hearing being scheduled. 2) A public surety bond for the construction of a curb and sidewalk to the immediate north of the vacation area will be in place prior to the Street Vacation Ordinance being recorded.
<b>PBOT Trans Systems Management</b> Rick Nys	5/4/22	No Objection.
<b>PBOT Active Transportation</b> Scott Cohen	4/26/22	No Objection.
<b>PBOT Bridges and Structures</b> Cameron Glasgow	4/22/22	No Objection.
<b>PBOT Street Lighting</b> Charles Radosta	4/25/22	No Objection.
<b>PBOT Parking Control</b> Peter Wojcicki	5/13/22	No Objection.
<b>PBOT Right-of-Way Management</b> David McEldowney	6/24/22	No Objection.

Commenting Party	Response Date	Comments & Conditions
<b>City Bureaus / Departments Notified:</b>		
<b>BDS Land Use Services</b> Timothy Novak timothy.novak@portlandoregon.gov 503-823-5395	6/2/22	<b>No objection subject to the following condition:</b> A replat through a Type 1x Land Use Review is required for all lots and lot remnants that will fall out of compliance with City Code 33.610.200E Minimum Front Lot Line requirements as a result of the vacation. The replat will be recorded prior to or concurrently with the Street Vacation Ordinance. Staff suggests consolidating the entire site, lots 1-18, into one platted lot through the replat process to address all actual and potential non-conforming situations associated with 33.615.100 and with building code requirements.
<b>BDS Addressing</b> Viktor Palchey viktor.palchey@portlandoregon.gov 503-823-3862	7/1/22	<b>No objection subject to the following condition:</b> All properties addressed off of the portion of N Kerby Avenue to be vacated will be readdressed off a remaining public right-of-way.
<b>Bureau of Environmental Services</b> Ella Indarta ella.indarta@portlandoregon.gov 503-823-2073	5/27/22	<b>No objection subject to the following condition:</b> The Petitioner will consolidate the lots in such a way that the configuration results in Lots 2-14, Block 19, Swinton having frontage on North Halleck Ave. If the lots cannot be consolidated in such a way, BES will require a public easement granted to the City in the vacated portion of N Kerby Ave to provide for the orderly and efficient extension of public sanitary and/or storm services in the future.
<b>Portland Water Bureau</b> Kris Calvert kris.calvert@portlandoregon.gov 503-865-6373	5/23/22	<b>No objection subject to the following conditions:</b> 1) The 4" water main in that portion of N Kerby Ave be vacated, and the existing services connected to that main, will be transferred to the water main located in N Halleck St. Unused services do not need to be relocated and can be abandoned with the main. All work will be done by Water Bureau and the Petitioner will pay all fees associated with this work. 2) A lot consolidation is required so that no landlocked parcels are created as a result of the street vacation. Completion of the BDS replat condition will satisfy this requirement.
<b>Portland Fire &amp; Rescue</b> Paul Jennings	5/23/22	No Objection.

Commenting Party	Response Date	Comments & Conditions
<b>City Bureaus / Departments Notified:</b>		
<b>Portland Parks &amp; Recreation</b> Adena Long	5/23/22	No Objection.
<b>PP&amp;R Urban Forestry</b> Daniel Gleason	5/25/22	No Objection.
<b>Bureau of Technology Services</b> Paul Cone paul.cone@portlandoregon.gov 503-823-4071	4/22/22	<b>No objection subject to the following condition:</b> All properties addressed off of the portion of N Kerby Avenue to be vacated will be readdressed off a remaining public right-of-way.
<b>Planning &amp; Sustainability Commission</b>	Pending	Response pending review by the Commission.
<b>Neigh Assoc Notified:</b>		
<b>Piedmont Neighborhood Association</b> board@piedmontemerald.com	NA	No Response.
<b>North Portland Neighborhood Services</b> Mary Kelly	NA	No Response.
<b>Columbia Corridor Association</b> Corky Collier	NA	No Response.
<b>Local Agencies Notified:</b>		
<b>ODOT Region 1</b> ODOT_R1_DevRev@odot.oregon.gov	6/23/22	No Objection.
<b>Port of Portland</b> Lewis Lem	6/28/22	No Objection.
<b>TriMet</b> Nick Stewart	6/23/22	No Objection.
<b>Public Utilities Notified:</b>		
<b>PGE</b> propertyservices@pgn.com	NA	No response, outside of PGE service area.
<b>Pacific Power</b> Richard Birch	4/22/22	Have facilities in street area; reserve easement.
<b>CenturyLink/LUMEN</b> nre.easement@centurylink.com	NA	No response.
<b>Northwest Natural</b> m7m@nwnatural.com	NA	No response.
<b>Comcast Cable</b> Peter Calo	NA	No response.

## **V. NEIGHBORHOOD RESPONSE**

Notice of this street vacation request was provided to the Piedmont Neighborhood Association, North Portland Neighborhood Services, and Columbia Corridor Association. No responses were received.

## **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

### 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



6950 SW Hampton St., Ste. 170  
Tigard, OR 97223-8330  
Ph.: (503) 941-9585  
Fax: (503) 941-9640  
www.weddlesurveying.com

February 24, 2021

Job No. 5688

LEGAL DESCRIPTION for STREET VACATION

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 25, 1995  
MICHAEL D. RENNICK  
2718

RENEWS: DECEMBER 31, 2022

**EXHIBIT "A"**

A tract of land for Street Vacation purposes in the S.W. 1/4 of Section 10, Township 1 North, Range 1 East, W.M., in the City of Portland, Multnomah County, Oregon, described as follows:

All that portion of North Kerby Avenue, 60.00 feet wide, lying Easterly of Block 19 and Westerly of Blocks 17 and 18 of the Plat of "Swinton", and the vacated portion of N. Kilpatrick Street (as described in Vacation Ordinance 149255 and Vacation Ordinance 79149) South of the Southerly right-of-way of N. Halleck Street, and North of the Northeasterly right-of-way line of the O.W.R. & N. Company Railroad right-of-way, more particularly described as follows

Beginning at the Northeast corner of said Block 19, "Swinton", thence South 89°58'04" East, 60.00 feet to the Northwest corner of said Block 17, "Swinton";

Thence along the Westerly line of said Blocks 17, 18 and the Westerly line of said vacated N. Kilpatrick Street, South 00°01'08" East, 290.56 feet to the Northeasterly right-of-way line of the O.W.R. & N. Co. railroad right-of-way;

Thence along said Northeasterly right-of-way line, North 69°47'29" West, 63.94 feet to a point on the Easterly line of said Block 19, "Swinton";

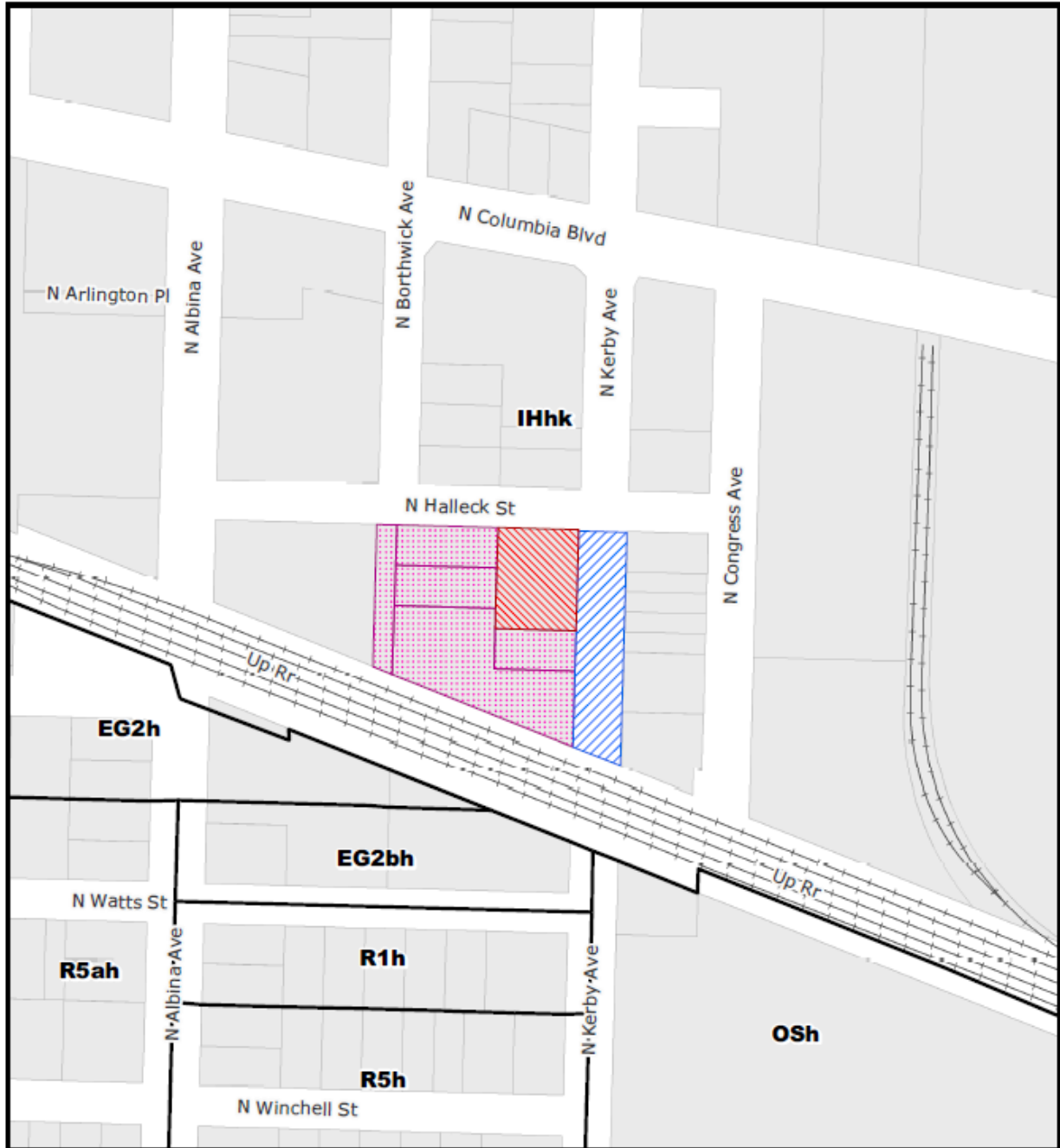
Thence leaving said Northeasterly right-of-way line, North 00°01'08" West, 268.51 feet to the Point of Beginning.


Containing therein 16,772 square feet (0.385 acres), more or less.




The Basis of Bearings for this description is per Survey No. 65579, Multnomah County Survey Records.



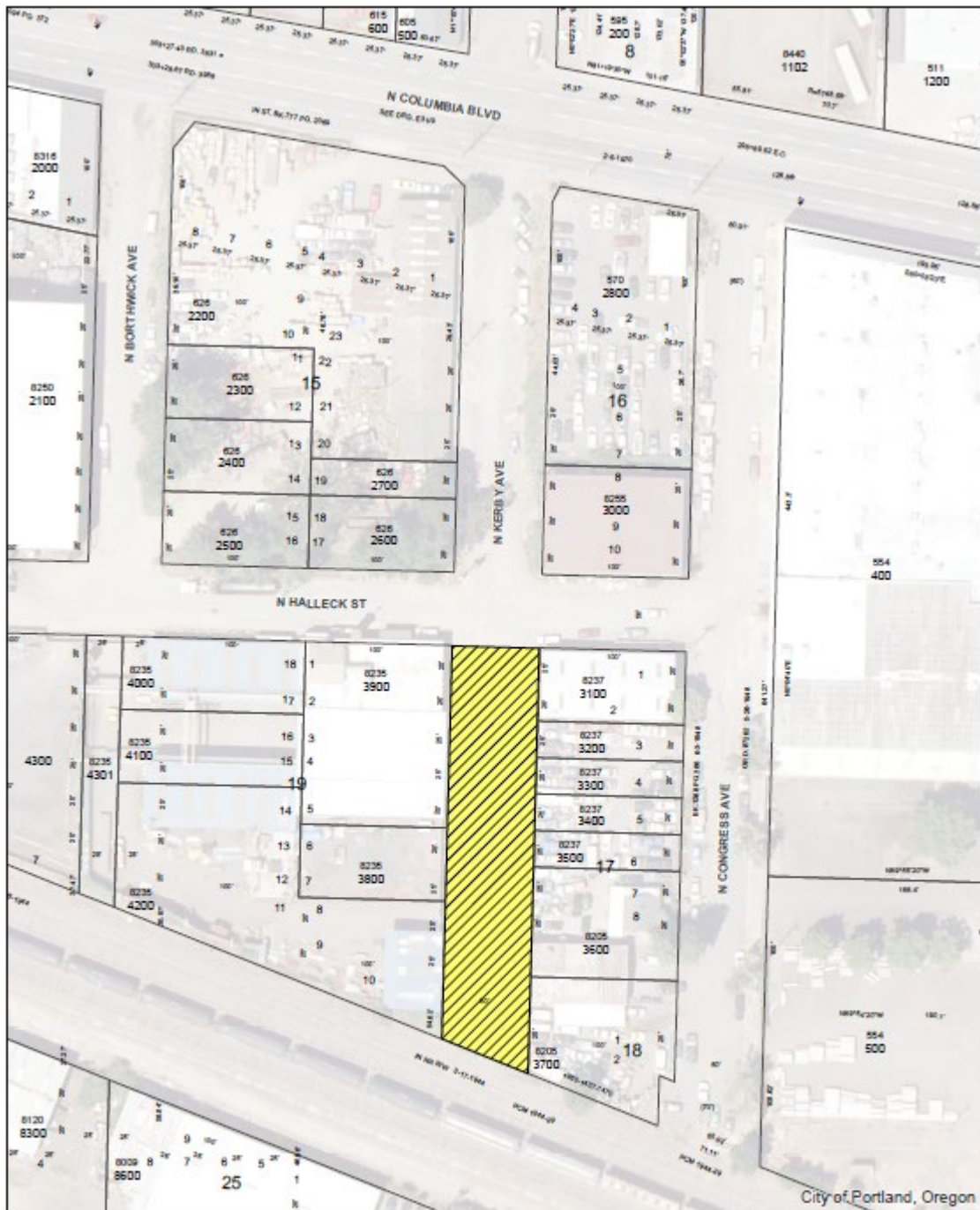
**Exhibit 2: Area Proposed for Vacation**



**ZONING**   
NORTH


-  Site
-  Street Vacation Request
-  Also Owned Parcels

File No. EA 20 - 105345 WRTN  
 2229  
 Scale 1 inch = 163 feet  
 State ID 1N1E10CA 3900  
 Exhibit B Jan 16, 2020



## N Kerby Avenue south of N Halleck Street

Petitioner: Howser Steel  
Section: 1N1E10CA

 Area Proposed for Vacation



1 in = 100 ft

Exhibit 3: Aerial Photo





## Exhibit 4: Street View Photo

N Kerby Ave right-of-way facing south towards railroad

