

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

Jo Ann Hardesty Commissioner Chris Warner Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #9234

COMMISSION MEETING TO BE HELD: 09/27/2022

I. GENERAL INFORMATION

Street Vacation Request:	SW Greenleaf Court east of SW Greenleaf Drive
Petitioner:	Steve Romero, (503) 709-7549, stevenromero@me.com The petitioner's representative is Bonnie Magdelain of Emerio Design, (503) 746-8812, bonnie@emeriodesign.com .
Purpose:	The stated purpose for the proposed street vacation is to return this portion of right-of-way back to the adjacent property owners. The property owner has no future development plans on the vacated area and intends to retain as a driveway. The street vacation request area is adjacent to the petitioner's property.
Neighborhood:	Southwest Hills
State ID:	1S1E08BA 1000
Designation/Zone:	R10cz (residential 10,000 zone (R10), environmental (c) & constrained site (z) overlay zones)



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

Steve Romero owns three adjacent land parcels on SW Greenleaf Court (State IDs: 1S1E08BA 800, 900, 1000) and is planning to retain the proposed street vacation site as a driveway. The petitioner has stated no future development plans on the vacated area. There are no site revisions requiring revised stormwater disposal. The proposed site runs along the south side of the petitioner's property and serves one other property owner who has plans to develop the adjacent site (State ID: 1S1E088BA) with access from nearby SW Greenleaf Drive. SW Greenleaf Court is platted as a full loop; however, it currently functions as a dead-end street due to limited street improvements and steep terrain.

The site is located in the Southwest Hills Neighborhood and has a residential 10,000 (R10) designation with an environmental (c) and constrained site (z) overlay zones, both of which make future development plans unlikely. R10 zones are single-dwelling zones which allow one lot per 10,000 ft². Environmental conservation (c) overlay zones conserve important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development. This overlay zone is applied wherever the City determines that significant resources and functional values are present. Constrained sites (z) overlay zones reduce development allowances on single dwelling zoned lots that have certain development constraints, such as natural resources or land hazards. These constraints make the lots less suited for additional dwelling units.

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 functions as a dead-end right-of-way due to limited street improvements and it is unlikely that it will serve a transportation function now or in future given topographic and zoning constraints. **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 viewpoint. 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 should meet the criteria of approval outlined by Bureau of Environmental Services in Section IV. **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. If vacated, the site will serve as a driveway. **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
City Bureaus / Departments Notified:		
PBOT Right-of-Way Acquisition Irma Ramirez	10/14/21	Petition Certified.
PBOT Development Review Bob Haley	12/29/21	No Objection.
PBOT Transportation Planning Bob Kellett	11/19/21	No Objection.
PBOT Permit Engineering Chris Wier	12/29/21	No Objection.
PBOT Transportation Systems Management Rick Nys	4/4/22	No Objection.
PBOT Active Transportation Scott Cohen	4/12/22	No Objection.
PBOT Bridges and Structures Cameron Glasgow	10/22/21	No Objection.
PBOT Street Lighting Charles Radosta	10/25/21	No Objection.
Bureau of Development Services Timothy Novak timothy.novak@portlandoregon.gov 503-823-5395	5/24/22	No objection subject to the following condition: 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. A replat will likely result in those parcels located at 4130 and 4167 SW Greenleaf Ct exceeding the Maximum Lot Area standard (Code 33.610.200.C). Therefore, the owners of each property will need to apply for and receive final approval of an Adjustment Review, a Type II Land Use Review, concurrently with the replat process.

Commenting Party	Response Date	Comments / Conditions
Bureau of Environmental Services Stephen Himes stephen.himes@portlandoregon.gov 503-823-7875	5/11/22	No objection subject to the following conditions: 1) The property owner or owners will grant a permanent Sewer Easement to the City for the existing sewer main and maintenance hole located within the vacation area. BES requires a 15-foot-wide easement centered over pipe ABX603-ABX604 (so that it extends 7.5 feet to either side of the center-line of the pipe, and extends 7.5 feet from the center of maintenance hole ABX603). Petitioner must provide professionally prepared legal exhibits showing the location of the BES facilities named above, the easement areas, and associated property lines. 2) Consolidation of 4167 SW Greenleaf Court with the adjacent property to the west is required. Completion of the BDS replat condition will satisfy this requirement.
Water Bureau Kris Calvert	11/8/21	No Objection.
Portland Fire & Rescue Dawn Krantz dawn.krantz@portlandoregon.gov 503-823-2718	5/9/22	No Objection. NOTE ONLY: The future installation of a gate on the Petitioner's driveway will be subject to review and approval by Portland Fire & Rescue as outlined in City Code.
Portland Parks & Recreation Todd Lofgren	12/1/21	No Objection.
Urban Forestry Division Mariano Masolo	11/24/21	No Objection.
Parking Control Peter Wojciki	4/12/22	No Objection.
Planning & Sustainability Commission	Pending	Response pending review by the Commission.
Neighborhood Associations Notified		
Southwest Hills Residential League contact@swhrl.org; president@swhrl.org	NA	No Response.
Southwest Neighborhoods, Inc. land-use-chair@swni.org; president@swni.org	NA	No Response.
SW Trails PDX Glen Bridger	10/25/21	No Objection.
Local Agencies Notified:		

Commenting Party	Response Date	Comments / Conditions
ODOT Region 1 Jon Makler / Melanie Ware	NA	No Response.
Port of Portland Lem Lewis	NA	No Response. (More than 5,000 feet from a navigable waterway.)
TriMet Nick Stewart	10/25/21	No Objection.
Public Utilities Notified:		
PGE Rodney Jacobs	11/1/21	No facilities in street area.
Pacific Power Scott Mease	11/8/21	No Objection. Outside of Pacific Power service area.
CenturyLink/Lumen Kristi Michael	NA	No Response.
Northwest Natural Stephanie Baxter	10/27/21	No facilities in street area.
Comcast Cable Peter Calo	10/27/21	No Objection.

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Southwest Hills Residential League, Southwest Neighborhoods, Inc., and SWTrails PDX. Southwest Hills Residential League and Southwest Neighborhoods, Inc. did not respond and SWTrails PDX has no objection.

VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Approval of the street vacation will legally create a dead-end street where there is not one currently and 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.net

September 28, 2020

Job No. 5634

LEGAL DESCRIPTION FOR RIGHT-OF-WAY VACATION

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718

RENEWS: DECEMBER 31, 2020

EXHIBIT "A"

A tract of land for Street Vacation purposes in the Plat of "The Green Hills of Portland", located in the N.W. 1/4 of Section 8, Township 1 South, Range 1 East, W.M., in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at the most Southerly corner of Lot 2, Block 9 said Plat, said point also being the most Southerly corner of that tract of land described in Statutory Warranty Deed to Steven Romero and Martie Kilmer, recorded February 23, 2018 as Document No. 2018-020261, Multnomah County Deed Records, said point also being on the Northwesterly right-of-way line of S.W. Greenleaf Court, 50.00 feet wide;

Thence leaving said Northwesterly right-of-way line, South 31°39'26" East, 50.00 feet to the Southeasterly right-of-way line of said S.W. Greenleaf Court, said point also being at the beginning of a non-tangent curve to the left having a radius of 765.45 feet, and a long chord bearing North 54°13'42" East, a distance of 109.84 feet;

Thence 109.94 feet along said curve through a central angle of 08°13'44" to the beginning of a reverse curve to the right having a radius of 60.82 feet and a long chord bearing North 71°32'31" East, a distance of 44.44 feet;

Thence 45.49 feet along said curve through a central angle of 42°51'23";

Thence leaving said Southeasterly right-of-way line of S.W. Greenleaf Court, North 02°58'12" East, 50.00 feet to the Southeasterly corner of said Romero/Kilmer tract, being a point on the Northwesterly right-of-way line of said S.W. Greenleaf Court, said point also being the beginning of a non-tangent curve to the left having a radius of 110.82 feet and a long chord bearing South 71°32'31" West, a distance of 80.97 feet;

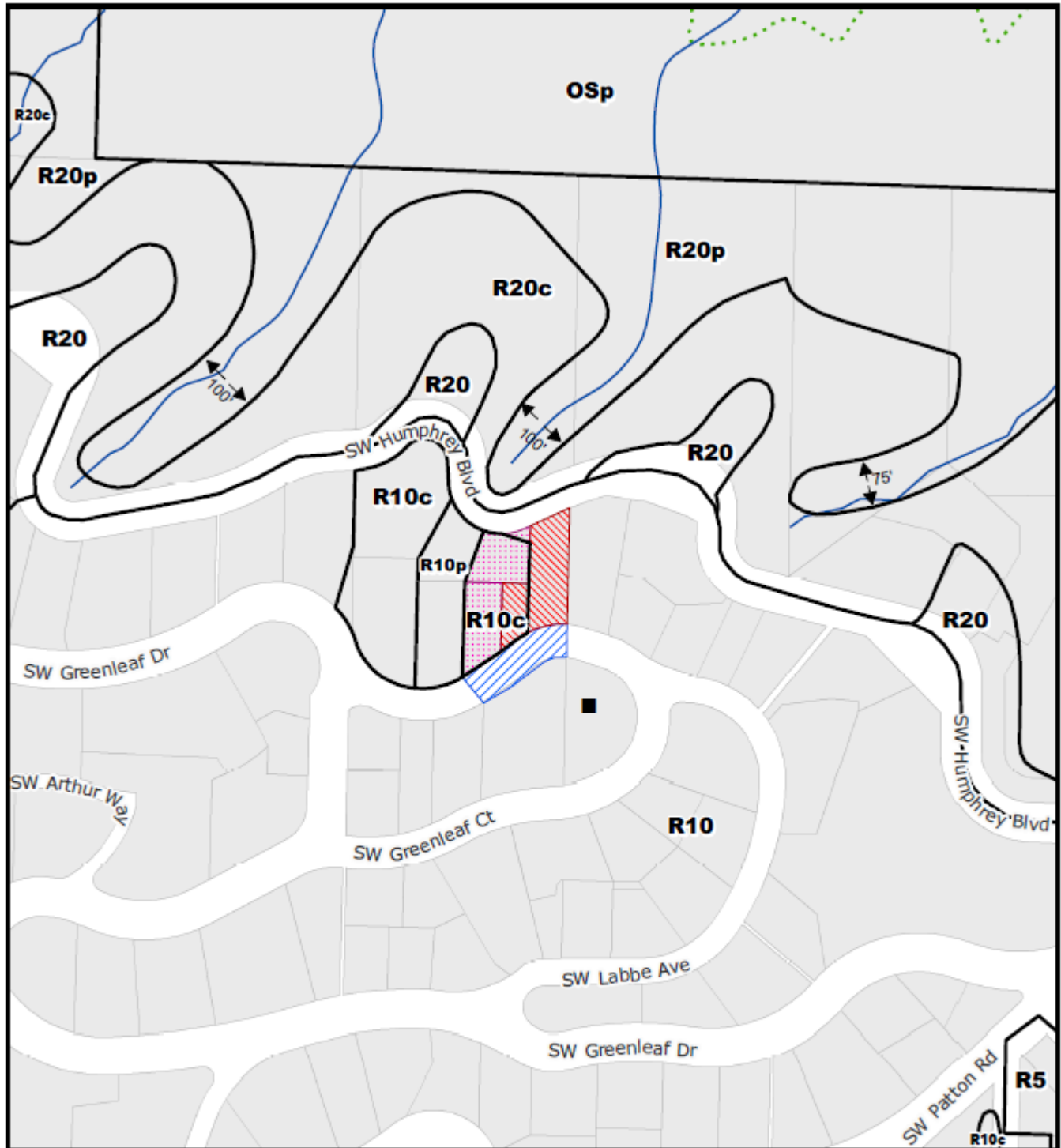
Thence along said Northwesterly right-of-way line, 82.89 feet along said curve through a central angle of 42°51'23" to the beginning of a reverse curve to the right having a radius of 715.45 feet and a long chord bearing South 54°13'42" West, a distance of 102.67 feet;


Thence 102.76 feet along said curve through a central angle of 08°13'44" to the Point of Beginning.







Containing therein 8,527 square feet, more or less.

The Basis of Bearing for this description is per Survey No. 56119, Multnomah County Records

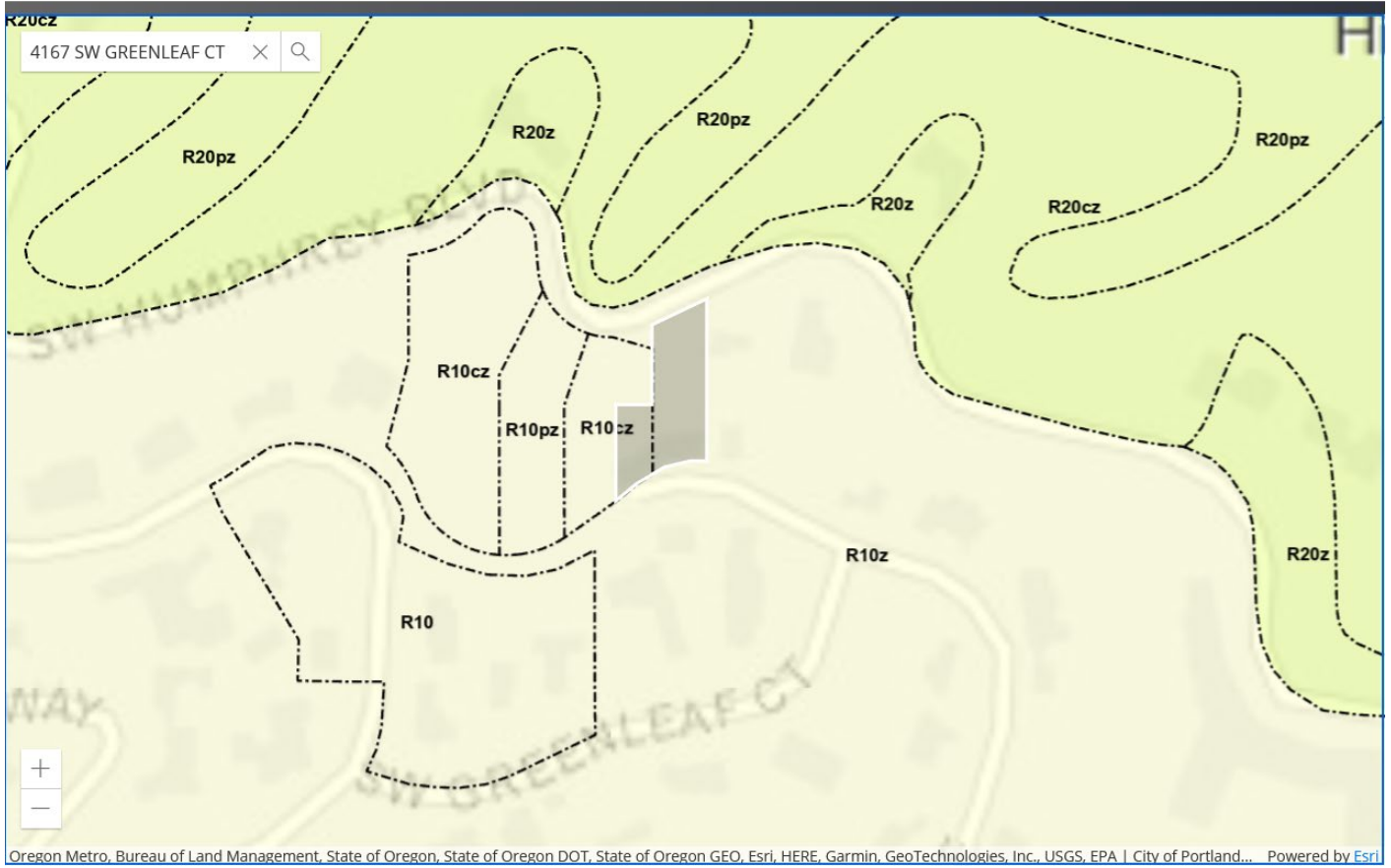
Exhibit 2: Area Proposed for Vacation



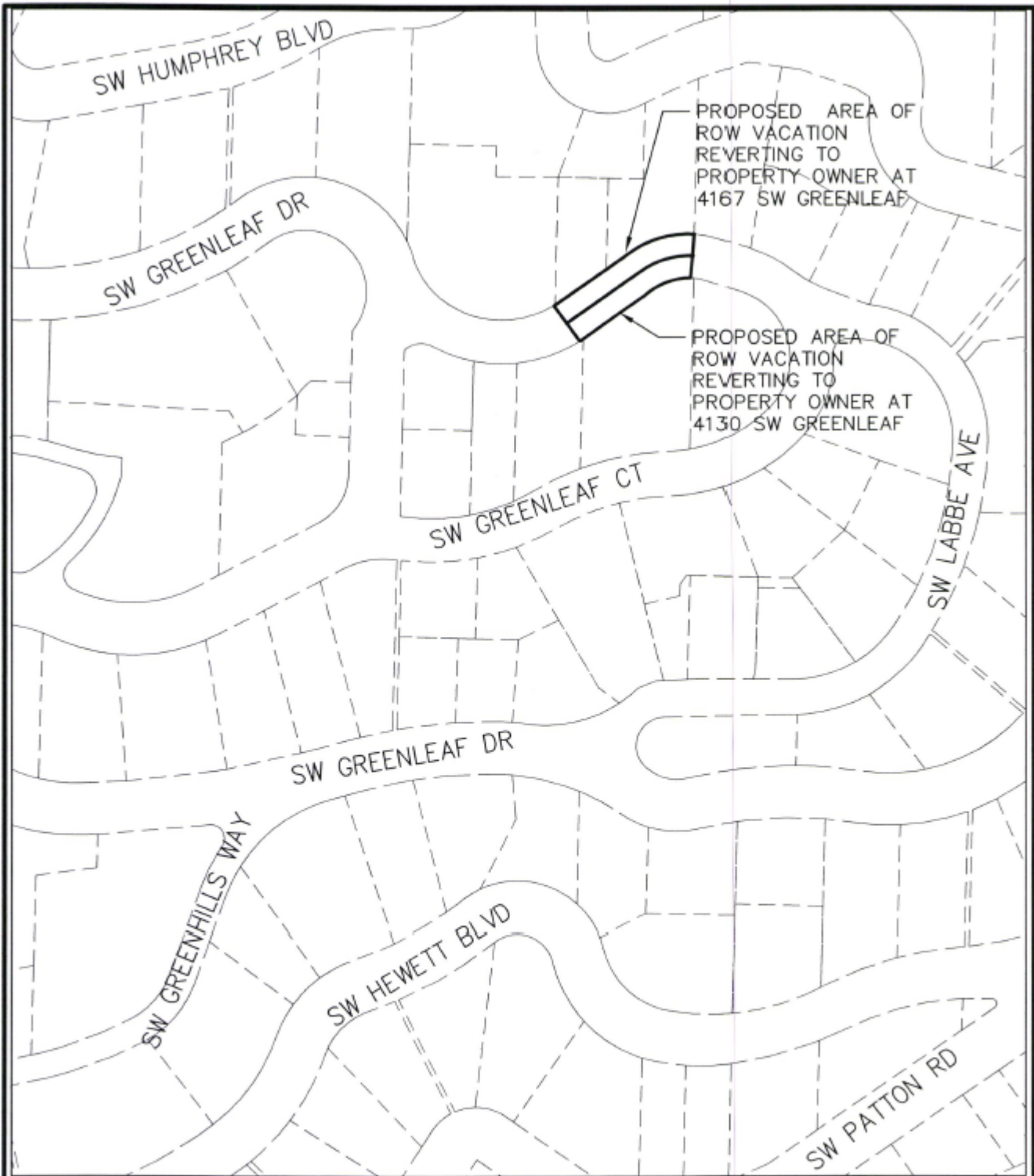
ZONING 
NORTH

-  Site
-  Street Vacation Request
-  Also Owned Parcels
-  Stream
-  Historic Landmark
-  Recreational Trails

File No.	EA 19 - 224911 APPT
1/4 Section	3325
Scale	1 inch = 200 feet
State ID	1S1E08BA 1000
Exhibit	B Sep 17, 2019



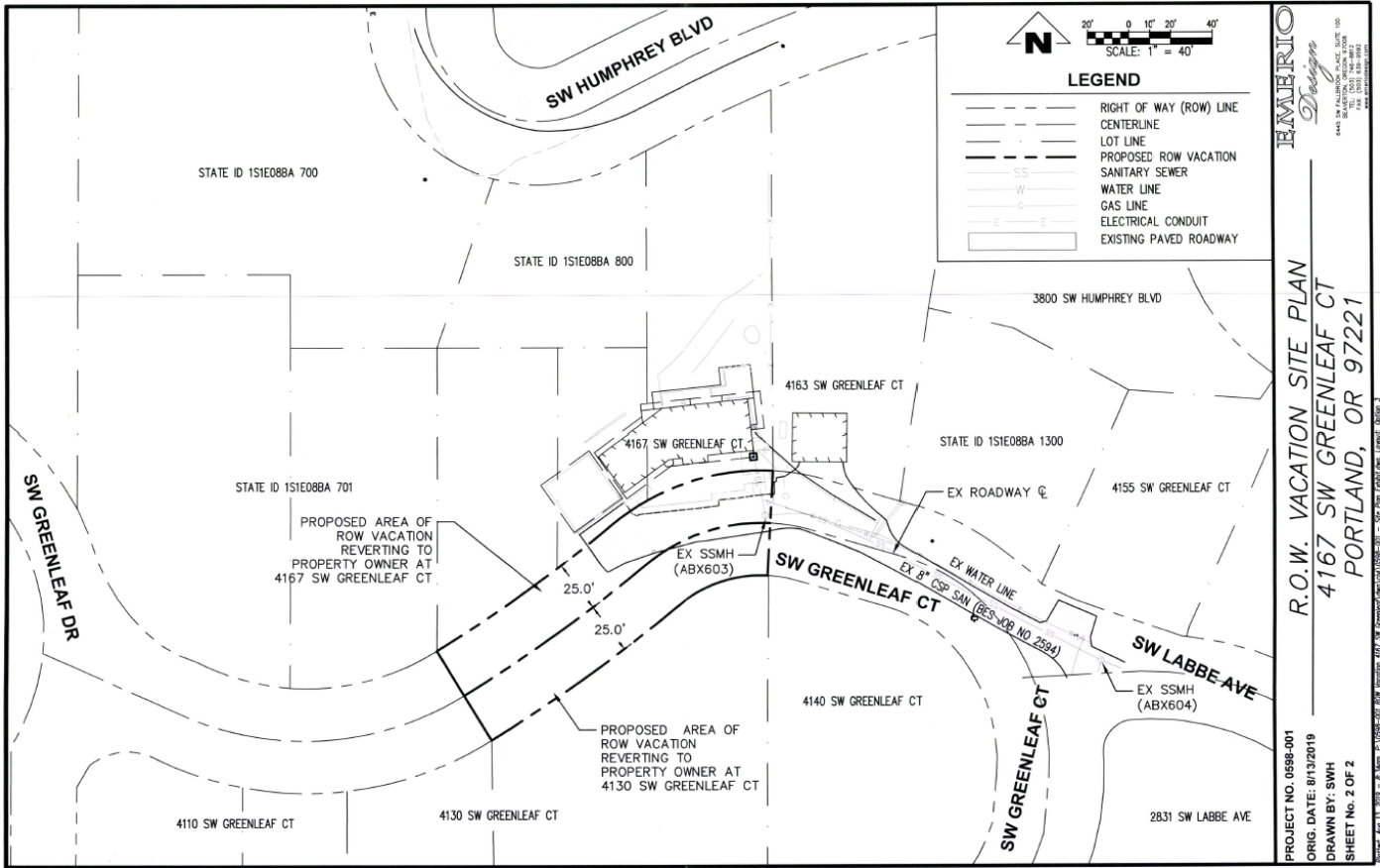
Source: <https://www.portlandmaps.com/bps/zoning/#/map/R172840>



<p>PROJECT NO. 0598-001 ORIG. DATE: 2019.05.30 DRAWN BY: SWH SHEET No. 1 OF 2</p>	<p>SITE PLAN SW GREENLEAF ROW VACATION 4167 SW GREENLEAF CT</p>	<p>EMERIO <i>Design</i> 6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OREGON 97008 TEL: (503) 515-5528 FAX: (503) 639-9592 www.emeriodesign.com</p>
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Plotted: 8/13/2019 - 8:03am, P:\0598-001 ROW Vacation 4167 SW Greenleaf\dwg\civil\0598-001 - Site Plan Exhibit - 8.5X11.dwg, Layout: Layout1

EA19-224911 APPT



LEGEND

	RIGHT OF WAY (ROW) LINE
	CENTERLINE
	LOT LINE
	PROPOSED ROW VACATION
	SANITARY SEWER
	WATER LINE
	GAS LINE
	ELECTRICAL CONDUIT
	EXISTING PAVED ROADWAY

EMERIO
Design
 1000 N. ALABAMA ST., SUITE 100
 PORTLAND, OREGON 97227
 TEL: (503) 838-1111
 FAX: (503) 838-1111

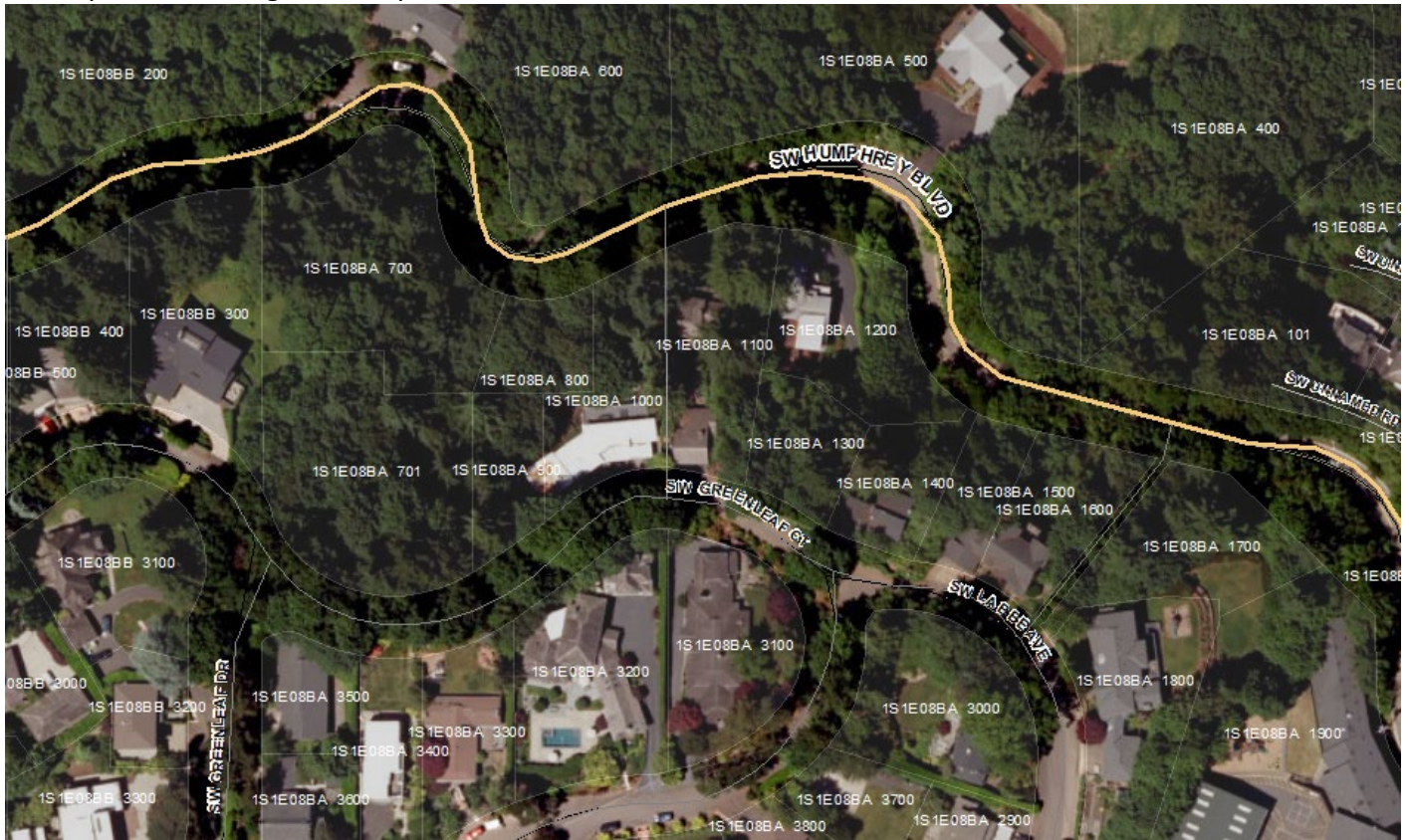
R.O.W. VACATION SITE PLAN
4167 SW GREENLEAF CT
PORTLAND, OR 97221

PROJECT NO. 0598-001
 ORIG. DATE: 8/13/2019
 DRAWN BY: SWH
 SHEET No. 2 OF 2

Printed: Aug 13, 2019 - 8:56am, P:\0598-001\0598-001.dwg, 4167 SW Greenleaf/Plan/0598-001 - Site Area/4167.ctb, Layer: 0

Exhibit 3: Aerial Photos

Aerial photo showing State ID parcel numbers



Aerial photo showing topographic lines and grade change elevation of the northeast corner of vacation area is approximately 35 feet lower than the southwest corner, over a distance of about 164 feet, yields roughly a 21% grade change from end-to-end

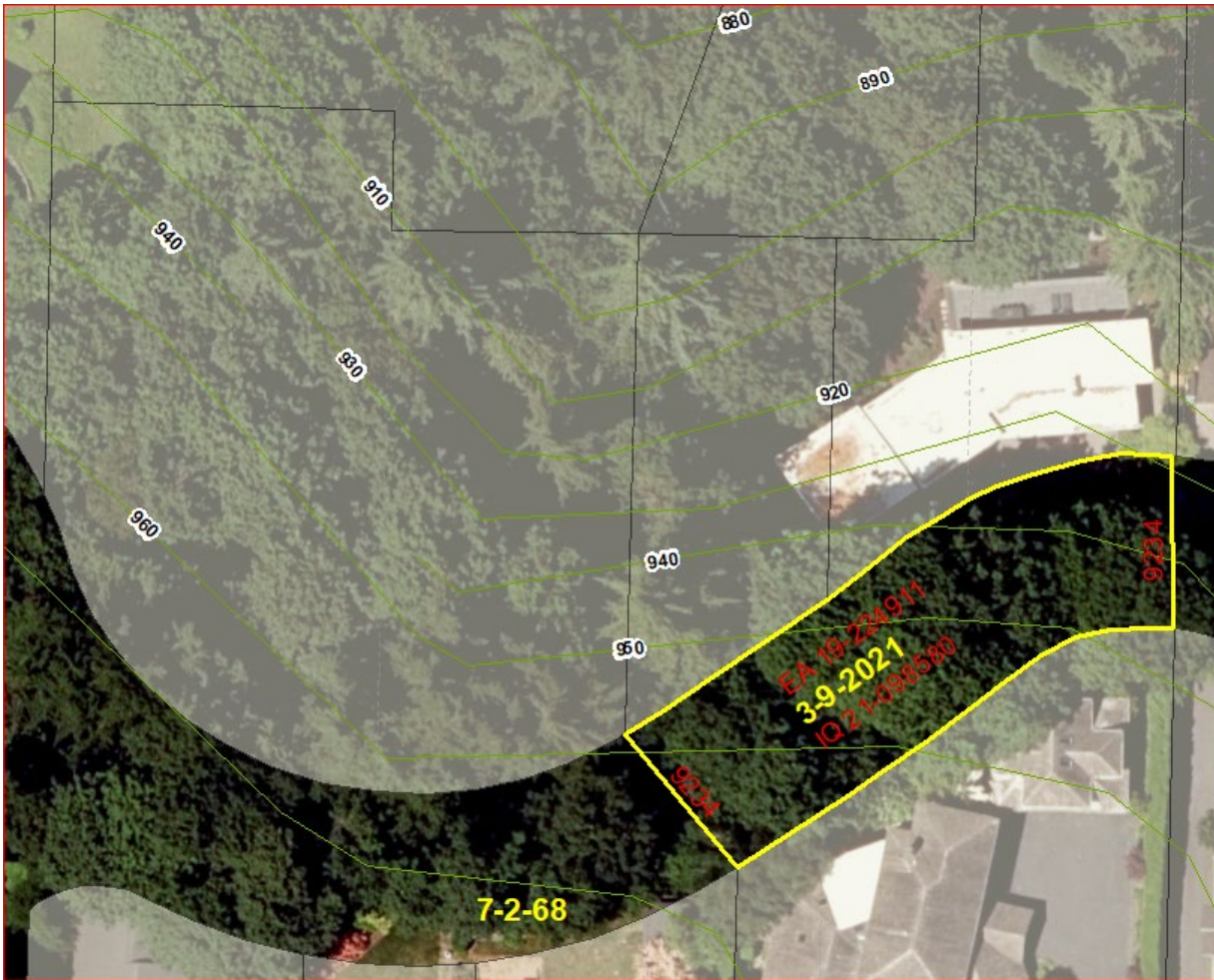


Exhibit 4: Street View Photo



IMAGE LOOKING WEST FROM 4167 SW GREENLEAF CT TO ROW PROPOSING TO BE VACATED



IMAGE LOOKING EAST FROM SW GREENLEAF DR TO ROW OF SW GREENLEAF CT

Image looking east from SW Greenleaf Drive to SW Greenleaf Court (2)
Home of the petitioner can be seen in the distance near the bottom of the hill

