



1120 SW Fifth Ave, Suite 1331, Portland OR 97204

Phone: 503-823-4000 Portland.gov/Transportation

Mingus Mapps Commissioner Millicent Williams Director

# STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

**FILE NUMBER: R/W #9195**

**COMMISSION MEETING TO BE HELD: 09/12/2023**

## I. GENERAL INFORMATION

**Street Vacation Request:** NE Winchell Street & NE Mallory Avenue

**Petitioner:** Aaron Blake, Reworks, Inc.,  
Email: [aaron@reworksinc.com](mailto:aaron@reworksinc.com) ;  
Phone: 503-880-1306

**Purpose:** The stated purpose for the proposed street vacation is to renovate an existing manufacturing facility to fix deferred maintenance items and improve the site for new tenants. No new increase in building footprint or area and no change of occupancy to increase occupant load above business/manufacturing is proposed.

**Neighborhood:** Piedmont

**State ID:** 1N1E10DD 8000, 1N1E10DD 8100

**Designation/Zone:** EG2h (General Employment 2, aircraft landing 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

Aaron Blake, on behalf of Reworks, Inc. is applying to vacate two segments of right-of-way (ROW) on **NE Mallory Ave** and **NE Winchell St**. The stated purpose for the proposed street vacation is to renovate an existing manufacturing facility to fix deferred maintenance items and improve the site for new tenants. No new increase in building footprint or area and no change of occupancy to increase occupant load above business/manufacturing is proposed.

The existing site includes two tax lots, 8000 and 8100. Tax Lot 8000 is approximately 2.5 acres with an existing building, parking lot, and loading areas. Tax Lot 8100 is approximately 1.21 acres and serves as a parking lot for the existing manufacturing/industrial building. The proposed sites are bordered by NE Rodney Ave to the west, NE Baldwin St to the south, NE Martin Luther King Jr Blvd to the east, and Union Pacific railroad to the north.

The site is accessed from the intersection at NE Farragut St. and NE Rodney Ave. A private access road loops around the south side of the building to the existing parking lot located on the east side of NE Mallory Ave. A private access road also continues around the north side of the existing building, connecting the site to NE Winchell St. There is a fire access easement at the southeast corner of tax lot 8100 and is accessed from NE Russet St. along the east lot line of tax lots 8800, 8900, and 9000.

The proposed **NE Mallory Ave** street vacation area runs from NE Baldwin St at the southern end (though does not have a physical connection to NE Baldwin St due to topographic restrictions), and terminates to the north at the Union Pacific railroad property line. **NE Baldwin St** is an unimproved gravel road that extends east from NE Rodney Ave to access three single-family residences and terminates before reaching NE Mallory Ave. The section of **NE Rodney Ave** between NE Baldwin St and NE Farragut St is an unimproved gravel path characterized by slopes that exceed 20% and is graded and graveled with an approximate 12-foot-wide pedestrian access path. The grade difference between NE Baldwin and NE Farragut is approximately 35 feet in this section of right of way. There is a berm at the south end and both ends are posted "No Motor Vehicles" as well as signs describing a "community garden". PBOT currently has an encroachment permit instated for the community garden within the NE Rodney Ave right-of-way. The section of NE Rodney Ave between NE Farragut St and NE Winchell St. is paved for the full street width.

The proposed street vacation area on **NE Winchell St** is a roughly 100-ft long street segment that extends east from the intersection with NE Rodney Ave and terminates at an access point to the existing property to the south. The adjacent portion of NE Winchell St is a roughly two-block street segment that runs parallel to the Union Pacific railroad to the north and a few businesses and an electrical substation to the south.

The site is located in the Piedmont neighborhood and has a **General Employment 2 (EG2)** designation with an **aircraft landing (h) overlay zone**. General Employment 2 (EG2) zones generally feature larger lots and irregular or large block patterns with medium and low building coverages and buildings that are set back from the street. The uses and character of EG2 zones are often oriented towards office, industry, and industry-related uses and they allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. Aircraft landing overlay zones (f) limit the height of structures and vegetation in an area to provide safer operating conditions for aircrafts in the vicinity of Portland International Airport.

**B. Concurrent Land Use Actions**

Not applicable for this site.

**C. The Transportation Element**

In the 2035 Transportation System Plan, the areas on NE Winchell St and NE Mallory Ave proposed for vacation are both classified as a local service streets 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 the Albina Community Plan nor the Piedmont Neighborhood Plan.

### III. APPROVAL CRITERIA FINDINGS

1. *Title 17.84.025 Approval Criteria for Vacating Streets*

2. *A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:*

3.

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 rights-of-way proposed to be vacated have not been identified in any plan for public services, transportation functions, utility functions, view corridors or viewpoints, pedestrian amenities, or community or commercial uses. NE Winchell St currently functions as a paved dead-end right-of-way that terminates in the proposed site. NE Mallory Ave bisects the existing property and is flanked by an industrial building to the west and adjacent parking to the east. Due to connectivity issues presented by the Union Pacific railroad and the existing property lines it is unlikely that the street segments will serve a transportation function now or in future. **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. **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.**

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 rights-of-way proposed for vacation are adjacent to the petitioner's property. The areas proposed for vacation do not impede the future best use, development of, or access to abutting property. **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. Due to the Union Pacific railroad to the north and established north-south railroad crossing bridges on N Vancouver Ave two blocks to the west and NE Martin Luther King Jr Blvd two blocks to the east, it is unlikely that the proposed street segments will serve transportation functions now or in future. **This criterion is met.**

#### IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

The following bureaus and agencies reviewed the proposed street vacation request which is subject to the following identified conditions:

Commenting Party	Response Date	Comments / Conditions
<b>City Bureaus / Departments Notified:</b>		
<b>PBOT Right-of-Way Acquisition</b> Lance Lindahl	3/16/2022	Petition Certified.
<b>PBOT Development Review</b> Tammy Boren-King Tammy.Boren-King@portlandoregon.gov 503-823-2948	5/9/2022	<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 Minimum Front Lot Line requirements in City Code as a result of the vacation. The replat will be recorded prior to or concurrently with the Street Vacation Ordinance.
<b>PBOT Transportation Planning</b> Mel Hogg	5/20/2022	No objection.
<b>PBOT Permit Engineering</b> Chris Wier	5/17/2022	No objection.
<b>PBOT Transportation Systems Management</b> Rick Nys	5/3/2022	No objection.
<b>PBOT Active Transportation</b> Scott Cohen	4/22/2023	No objection.
<b>PBOT Bridges and Structures</b> Cameron Glasgow	4/21/2022	No objection.
<b>PBOT Street Lighting</b> Charles Radosta	4/21/2022	No objection.
<b>PBOT Parking Control</b> Peter Wojciki	5/13/2022	No objection.
<b>PBOT ROW &amp; Permitting</b> David McEldowney	4/25/2022	No objection.
<b>BDS Land Use Services</b> Diane Hale for Lois Jennings Diane.Hale@portlandoregon.gov 503-865-6431	5/24/22	<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 Minimum Front Lot Line requirements in City Code as a result of the vacation. The replat will be recorded prior to or concurrently with the Street Vacation Ordinance. Additional terms of this condition are outlined in the BDS LUS response to the Street Vacation Notice.
<b>BDS Addressing</b>	5/20/2022	No objection.

Commenting Party	Response Date	Comments / Conditions
<b>Bureau of Environmental Services</b> Emma Kohlsmith / Stephen Himes <a href="mailto:Emma.Kohlsmith@portlandoregon.gov">Emma.Kohlsmith@portlandoregon.gov</a> 503-823-8427	5/27/2022	<b>No objection subject to the following conditions:</b> 1) An <b>easement</b> or easements will be granted to BES for the maintenance of existing sewer infrastructure within <b>NE Winchell Street</b> . 2) An <b>easement</b> will be granted to BES for the maintenance of existing sewer infrastructure within <b>NE Mallory Avenue</b> . 3) An <b>access easement</b> will be granted to BES for driving access to the existing infrastructure within <b>NE Mallory Avenue</b> . Additional terms of these conditions are outlined in the BES response to the Street Vacation Notice.
<b>Water Bureau</b> Kris Calvert	1/17/2023	No objection.
<b>Portland Fire &amp; Rescue</b> Paul Jennings	5/22/2022	No objection.
<b>Portland Parks &amp; Recreation</b> Stephen Bouffard	4/19/2022	No objection.
<b>PP&amp;R Urban Forestry Division</b> Dan Gleason	5/23/2022	No objection.
<b>Planning Commission</b>	Pending	Response pending review by the Commission.
<b>Neighborhood Associations Notified:</b>		
<b>Piedmont Neighborhood Association</b>	N/A	No response.
<b>North Portland Neighborhood Services</b>	N/A	No response.
<b>Local Agencies Notified:</b>		
<b>ODOT Region 1</b>	N/A	No response.
<b>Port of Portland</b> Lewis Lem	4/21/2022	No objection.
<b>TriMet</b> Nick Stewart	N/A	No response.
<b>Public Utilities Notified:</b>		
<b>Pacific Power</b> Scott Mease	5/18/2022	No response.
<b>Northwest Natural</b> Stephanie Baxter	N/A	No response.
<b>Comcast Cable</b> Peter Calo / Dave Conner	N/A	No response.
<b>CenturyLink / LUMEN</b> Trey Conley	9/20/2022	No objection.

## V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Piedmont Neighborhood Association and North Portland Neighborhood Services, neither neighborhood association responded.

## 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 2, with conditions:

- Prior to recording the street vacation ordinance, **the Petitioner shall comply with all conditions set forth in Section IV above.**

The Portland Bureau of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning Commission's recommendation.

## VIII. EXHIBITS

1. Property Description
2. Vicinity Maps
3. Area Proposed for Vacation
4. Aerial Photo
5. Street View Photo

### Report prepared by:

Portland Bureau of Transportation Staff Planner

Mel Hogg

(503) 823-4554

mel.hogg@portlandoregon.gov

cc: Claudia Echeverria-Anaya & Lance Lindahl, Right-of-Way Case Managers



## Exhibit 1: Property Description



February 27, 2019

General Assembly  
100 NE Farragut St.  
Portland, OR 97211

Permit# 18-119507-CO

**RE: Early Assistance request**

This is an EA request to convene the infrastructure bureaus in order to determine the final expected improvement of the street system around the subject site, including the vacation of NE Mallory Ave. north of NE Baldwin St. and NE Winchell St. east of NE Rodney Ave.

**Site Existing Conditions:**

The existing site includes two tax lots 8000 and 8100. Tax Lot 8000 is approximately 2.5 acres with an existing building, parking lot and loading areas. Tax Lot 8100 is approximately 1.21 acres and serves as a parking lot for the existing manufacturing/industrial building. This site is bordered by the right-of-ways of NE Rodney Ave. on the west, NE Baldwin St. on the south, NE Mallory Ave. on the east and a short portion of NE Winchell St. and a railway right-of-way to the north.

This site is accessed from the intersection at NE Farragut St. and NE Rodney Ave. A private access road loops around the south side of the building to the existing parking lot located on the east side of NE Mallory Ave. A private access road also continues around the north side of the existing building, connecting the site to NE Winchell St. There is a fire access easement at the south east corner of tax lot 8100 and is accessed from NE Russet St. along the east lot line of tax lots 8800, 8900, and 9000.

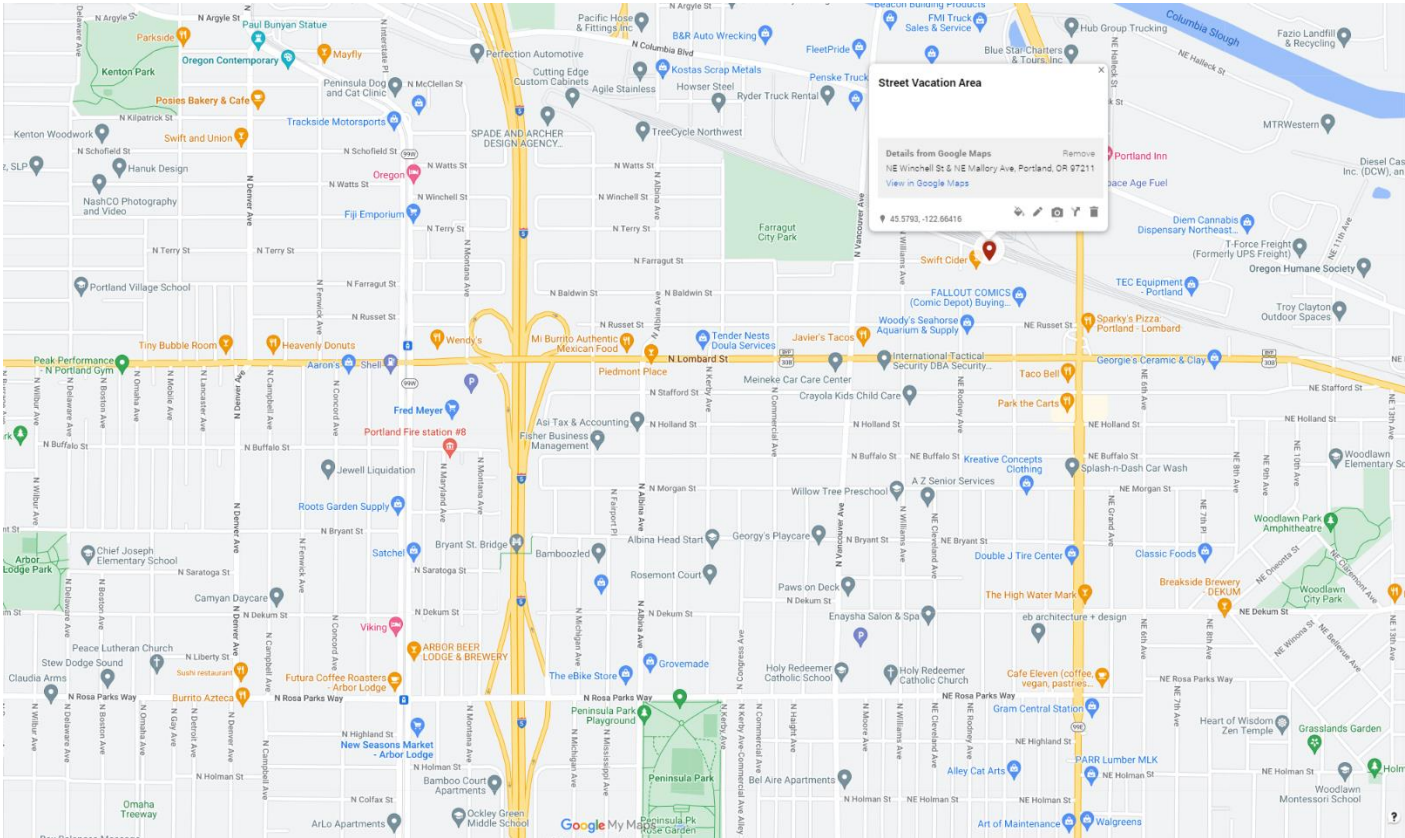
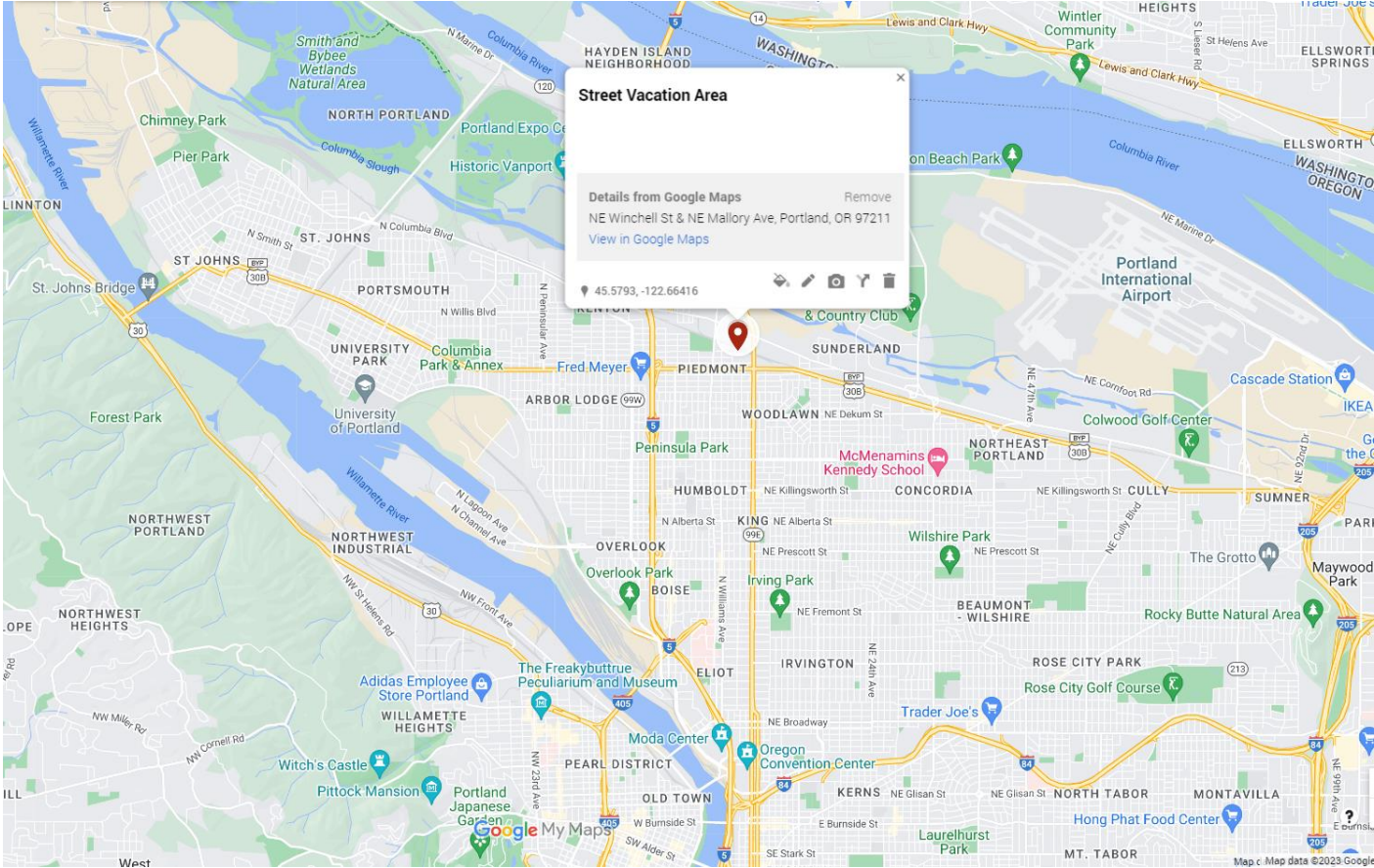
NE Mallory Ave. dead ends along the north property line at the railway ROW and does not have a physical connection to NE Baldwin St. to the south due to topographic restrictions.

NE Baldwin St. is an improved gravel road extending east from NE Rodney Ave. to access three single-family residences and dead ends before reaching NE Mallory Ave.

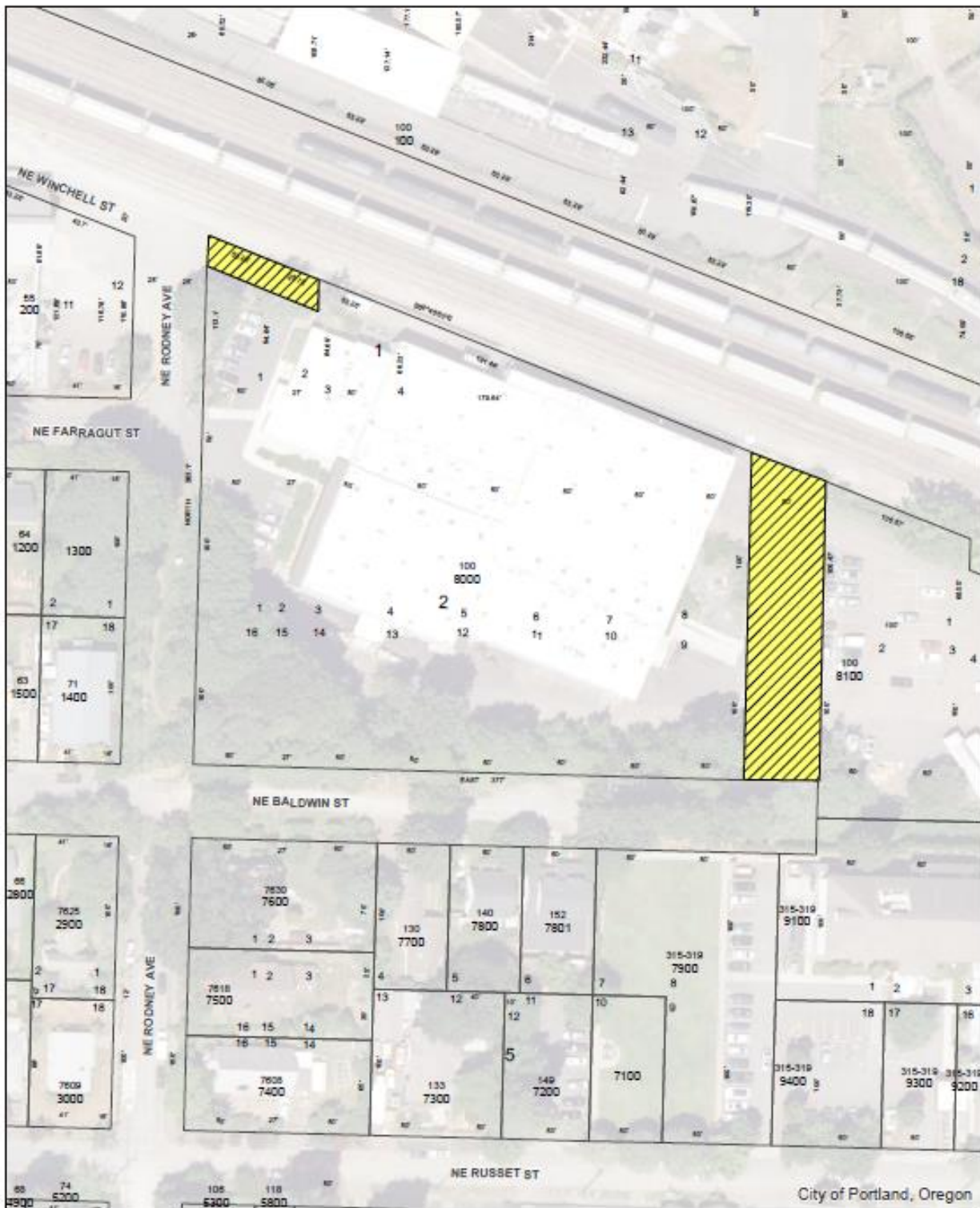
The section of NE Rodney Ave. between NE Baldwin St. and NE Farragut St. is characterized by slopes that exceed 20% and is graded and graveled with an approximate 12-foot-wide pedestrian path. The grade difference between NE Baldwin and NE Farragut is approximately 35 feet in this section of right of way. There is a berm at the south end and both ends are posted "No Motor Vehicles" as well as signs describing a "community garden". PBOT currently has instated an encroachment permit for the community garden within this right-of-way.

The section of NE Rodney Ave. between NE Farragut St. and NE Winchell St. is paved for the full street width.

Exhibit 2: Vicinity Maps




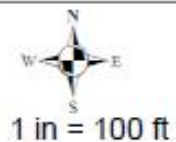
**Exhibit 3: Area Proposed for Vacation**

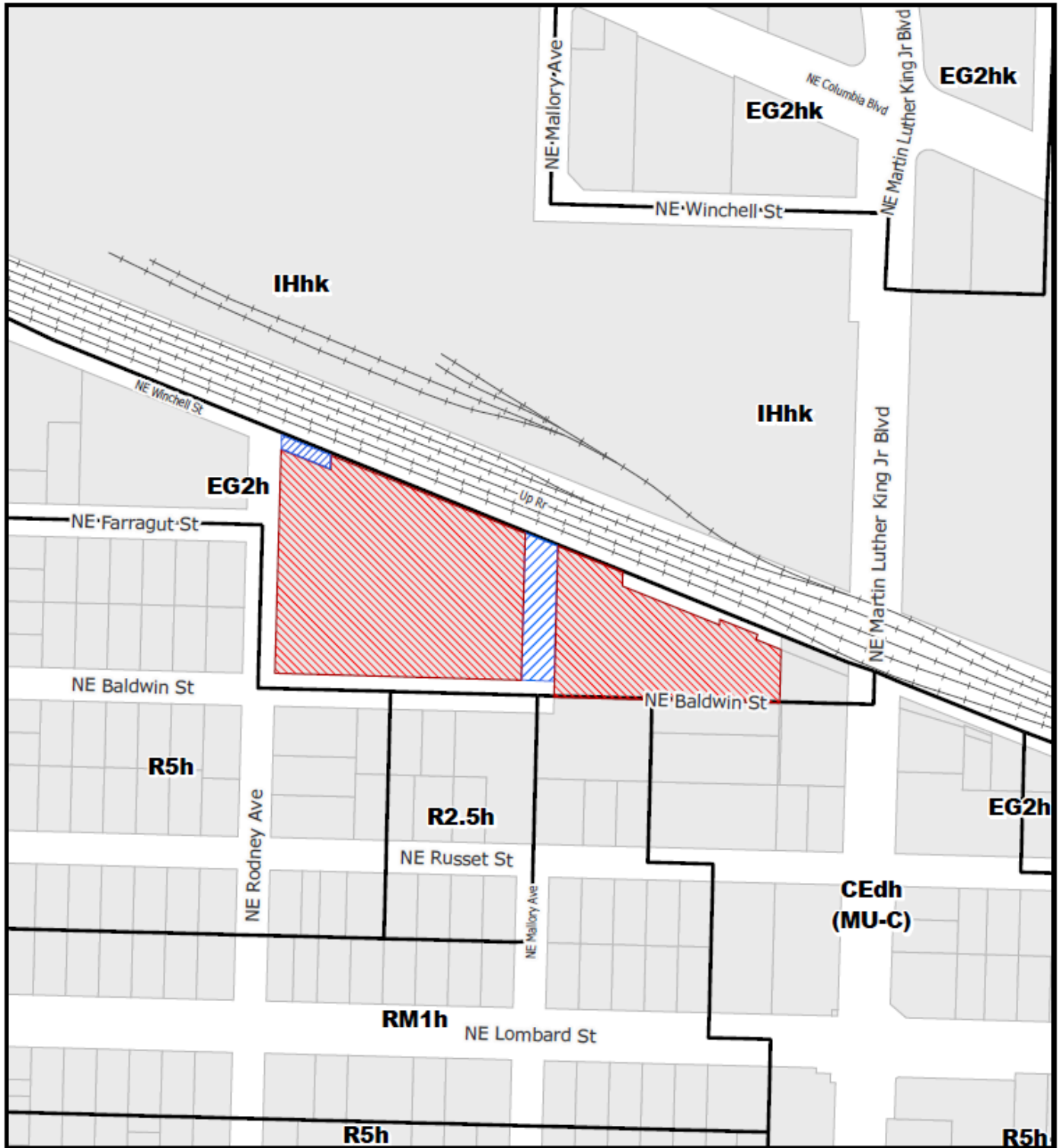


**NE Winchell Street and NE Mallory Avenue**

Petitioner: Reworks Inc.  
Section: 1N1E10DD



 Area Proposed for Vacation





For Zoning Code in Effect Post October 1, 2022

# ZONING

-  Site
-  Street Vacation Request

File No.	<u>EA 19-125961 APPT</u>
1/4 Section	<u>2230</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E10DD 8000</u>
Exhibit	<u>B Aug 31, 2023</u>

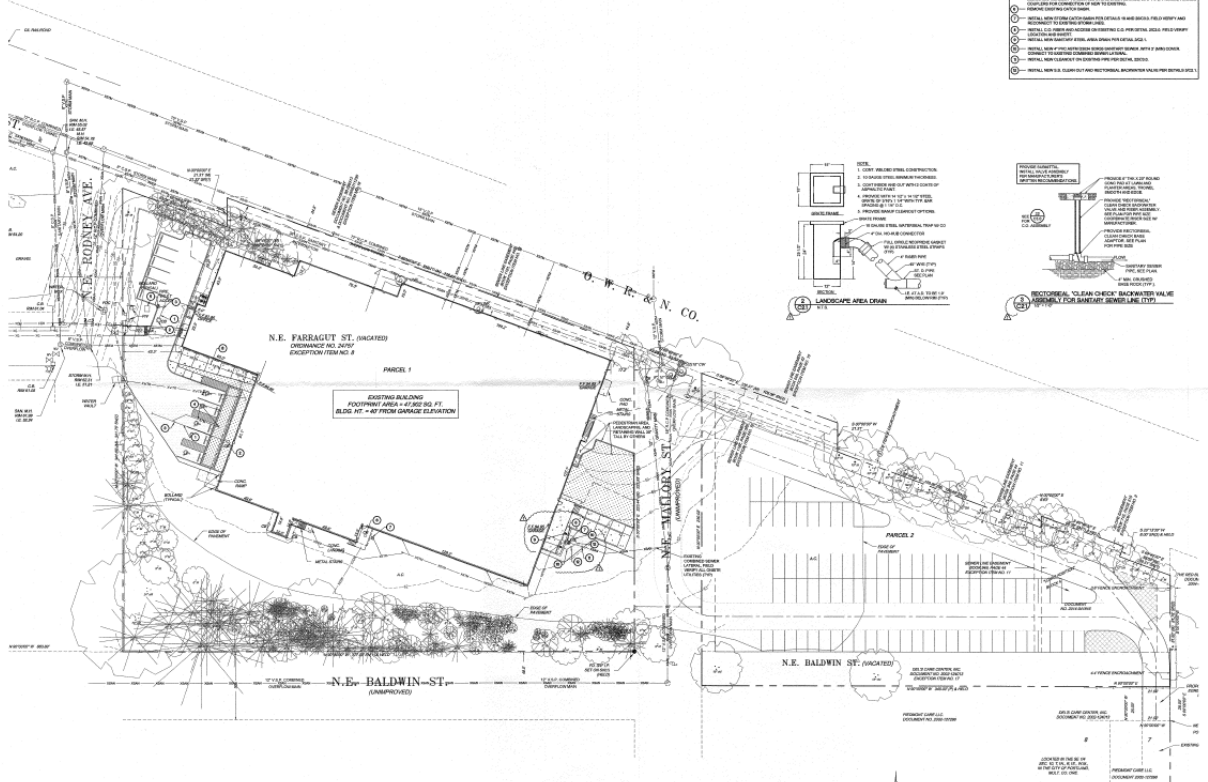
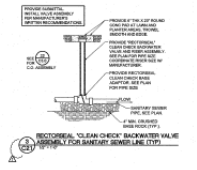
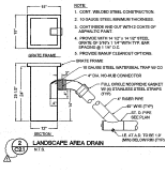


Scale: 1" = 40'-0"

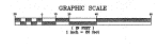
Utility Plan

**NOTES FOR THIS SHEET**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL UTILITIES SHOWN ON THIS PLAN.
2. ALL UTILITIES SHALL BE DEEPENED TO THE FINISHED GRADE OF THE ADJACENT STREET OR TO THE FINISHED GRADE OF THE ADJACENT LOT, WHICHEVER IS DEEPER.
3. ALL UTILITIES SHALL BE INSTALLED TO THE FINISHED GRADE OF THE ADJACENT STREET OR TO THE FINISHED GRADE OF THE ADJACENT LOT, WHICHEVER IS DEEPER.
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10. ALL UTILITIES SHALL BE INSTALLED TO THE FINISHED GRADE OF THE ADJACENT STREET OR TO THE FINISHED GRADE OF THE ADJACENT LOT, WHICHEVER IS DEEPER.



**UTILITY PLAN**  
 SCALE: 1" = 40'-0"





# Exhibit 5: Street View Photo

Image from NE Winchell looking east



No image available of NE Mallory segment proposed