

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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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 #9443

COMMISSION MEETING TO BE HELD: 10/08/2024

I. GENERAL INFORMATION

Street Vacation Request: SE Caruthers St, east of SE 66th Ave

Petitioner: Warner Pacific University
Peter Finley Fry, peter@finleyfry.com, 503-703-8033

Purpose: The primary objective of this project is to vacate this section of SE Caruthers St. with a graveled surface draining to R298252. There are no plans for any development at this time.

Neighborhood: Mt. Tabor

State ID: 1S2E05CC 5600

Designation/Zones: CI1- Campus Institutional Zone 1



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

Peter Fry, on behalf of Warner Pacific University, is applying to vacate a segment of right-of-way (ROW) at **SE Caruthers St, east of SE 66th Ave**. The stated purpose for the street vacation is to vacate this section of SE Caruthers St. with a graveled surface draining to R298252. There are no plans for any development at this time.

The proposed street vacation area is an unimproved gravel street segment that is not maintained by the city. This east-west street segment 171' long by 50' wide, retains one connection with SE 66th Ave and terminates at a dead end. The segment is currently used as rear parking access to Otto F. Linn Library. The library and other surrounding property are owned by Warner Pacific University.

The site is located in the Mt. Tabor Neighborhood and is designated as Campus Institutional Zone 1. **Campus Institutional Zones** are designed to support institutions like medical centers and colleges that have developed as campuses. These zones aim to ensure that such institutions can grow and thrive while remaining compatible with surrounding neighborhoods. **Campus Institutional Zone 1 (CI1)** is intended for large colleges and medical centers located in or near low and medium-density residential neighborhoods.

B. Concurrent Land Use Actions

Not applicable for this site.

C. The Transportation Element

In the 2035 Transportation System Plan, the following describe the TSP classifications for the adjacent rights-of-way proposed for street vacation.

	<i>Main SV Street</i>	<i>Adjacent Street 1</i>	<i>Parallel Street 1</i>	<i>Parallel Street 2</i>
Street Name	<i>SE Caruthers St</i>	<i>SE 66th Ave</i>	<i>SE Division St</i>	<i>SE Harrison/Lincoln</i>
Traffic	Local Service Traffic Street	Local Service Traffic Street	Neighborhood Collector	Local Service Traffic Street
Transit	Local Service Transit Street	Local Service Transit Street	Major Transit Priority	Local Service Transit Street
Bicycle	Local Service Bikeway	Local Service Bikeway	City Bikeway	Major City Bikeway
Pedestrian	Local Service Walkway	Local Service Walkway	Major City Walkway	Neighborhood Walkway
Freight	Local Service Truck Street	Local Service Truck Street	Local Service Truck Street	Local Service Truck Street
Emergency	Minor Emergency Response	Minor Emergency Response	Major Emergency Response	Minor Emergency Response
Design	Local Street	Local Street	Neighborhood Collector	Local Street

D. Neighborhood Plan

The area proposed for vacation is not explicitly identified in a neighborhood plan.

III. APPROVAL CRITERIA FINDINGS

1. City Code 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:

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 portion of the rights-of-way proposed to be vacated have not been identified in any adopted plans for public services, transportation functions, utility functions, view corridors or viewpoints, pedestrian amenities, or community or commercial uses. **The right-of-way proposed for street vacation is not needed presently.**

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 viewpoints.*

Comment: The proposed vacation does not prevent the extension of, or retention of, public services, transportation functions, utility functions, subject to the conditions identified in Section IV below. The vacated area is not identified as a view corridor or viewpoint. The vacation is supportive of present and future stormwater functions. **The right-of-way proposed for vacation should meet the criteria of approval outlined by commenting parties 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 commenting parties 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: Although the right-of-way proposed for vacation is used for rear access to the Otto F. Linn Library, SE 68th Ave remains the primary point of access to the property. Therefore, the area proposed for vacation does 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: As referenced in the attached Exhibit 2 (Section VIII), the right-of-way proposed for vacation is not a through street. Spacing requirements (17.88.040.C.) state that development in existing mixed-use areas must provide for street connections no further apart than 530 feet and provide bicycle and/or pedestrian connections no further apart than 330 feet. The site is zoned Campus Institutional 1 but could be considered a mixed-use area due to university and residential uses. SE 66th Ave north of SE Division St exceeds 530 feet and would normally require a connection. However, the classified bikeways in this area on Division, 64th and 71st/72nd mean that a bicycle connection at SE Caruthers, east of SE 66th Ave, would not provide a meaningful connection to the bikeway network. Furthermore, a pedestrian connection would not be meaningful due to SE Division St being a more appropriate pedestrian route as a classified Major City Walkway with safer intersection crossings. Therefore, the area of vacation is not needed as part of an interconnected system of public streets. **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
City Bureaus / Departments Notified:		
Right-of-Way Acquisition Kevin Balak	9/7/22	Petition Certified
PBOT Development Review Tammy Boren-King tammy.boren-king@portlandoregon.gov; Michael Pina - michael.pina@portlandoregon.gov 503-823-2948	10/31/22	No objection subject to the following conditions: Connect curbs and establish standard (11ft) wide pedestrian corridor.
PBOT Transportation Planning Mel Hogg	11/4/22	No objection.
PBOT Permit Engineering Chris Wier 503-823-7227 christopher.wier@portlandoregon.gov	11/9/22	No objection subject to the following conditions: Petitioner will need to obtain a Minor Improvement Permit to do the curb closure and sidewalk construction as PBOT development review has specified or provide a performance guarantee for the work. Petitioner may also need a new encroachment permit for the stairs connecting to the sidewalk at the north side of the work as it looks like it matches into an area that will be rebuilt.
PBOT Trans Systems Management Rick Nys	10/25/22	No objection.
PBOT Active Transportation Scott Cohen	10/11/22	No objection.
PBOT Bridges and Structures Cameron Glasgow	10/11/22	No objection.
PBOT Street Lighting Charles Radosta	10/6/22	No objection.
PBOT Parking Control Peter Wojcicki	10/6/22	No objection.
PBOT Right-of-Way Management David McEldowney	3/21/24	No objection subject to the following conditions: Petitioner is required to add new sidewalk along the frontage of the proposed street vacation area where the new curbs will be reestablished. Petitioner is also required to install new ADA ramps at each corner of SE Division St. and SE 66th Ave. Finally, Petitioner shall be

Commenting Party	Response Date	Comments / Conditions
		required to add a new sidewalk segment along SE Division St. between SE 68th Ave and SE 69th Ave where grass currently exists within the public right of way. The newly planted tree appears to be on private property, and is not required to be moved. However, if any roots damage the sidewalk at this location, the repair of the sidewalk will be the responsibility of the Petitioner. It is recommended to relocate this tree back 5-10 feet from the property line to prevent any future root damage to the sidewalk.
BDS Land Use Services Stephanie Beckman stephanie.beckman@portlandoregon.gov 503-823-5395	10/27/23	No Objection. Updated response for this street vacation. Due to recent changes in Title 33, BDS LUS no longer requires a replat to consolidate lots in this situation. The lot remnant in question is part of a taxlot that will continue to have street frontage after the street vacation. Chapter 33.676, Lot Confirmations now requires street frontage in order to "confirm" underlying lots which allows them to be separated into individual sites for development. Therefore, a formal replat is not needed in this situation.
BDS Addressing Viktor Palchey viktor.palchey@portlandoregon.gov 503-823-3862	10/11/22	No objection.
Bureau of Environmental Services Emma Kohlsmith / Stephen Himes emma.kohlsmith@portlandoregon.gov 503-823-2073	11/14/22	BES does not object to the proposed street vacation with the condition that adequate private easement(s) are provided to cover the existing sanitary lateral for 2219 SE 66th Avenue (located in the ROW to be vacated), to the satisfaction of BES. The existing lateral may need to be located and surveyed in order to provide an easement in the correct location.
Portland Water Bureau Kris Calvert Kris.Calvert@portlandoregon.gov 503-865-6373	11/8/22	No objection.
Portland Fire & Rescue Paul Jennings	11/4/22	No objection.
Portland Parks & Recreation Adena Long	11/3/22	No objection.
PP&R Urban Forestry Daniel Gleason trees@portlandoregon.gov	11/9/22	No objection.

Commenting Party	Response Date	Comments / Conditions
Bureau of Technology Services Paul Cone Paul.Cone@portlandoregon.gov 503-823-4071	10/13/22	No objection.
Planning Commission	Pending	Response pending review by the Planning Commission.
Neighborhood Associations Notified:		
Mount Tabor Neigh. Association contact.mtna@gmail.com	NA	No response.
Local Agencies Notified:		
ODOT, Region 1 ODOT_R1_DevRev@odot.oregon.gov	NA	No response.
Port of Portland Lewis Lem	NA	No response.
TriMet Nick Stewart	10/5/22	No objection.
Public Utilities Notified:		
PGE propertyservices@pgn.com	10/7/22	No objection subject to the following condition: PG&E overhead wire feeds two street light poles; reserve easement.
Pacific Power row@PacifiCorp.com	NA	No response.
CenturyLink/LUMEN nre.easement@centurylink.com	11/14/22	No objection.
Northwest Natural m7m@nwnatural.com	NA	No response.
Comcast Cable Dave Conner/Peter Calo	NA	No response.

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Mount Tabor Neighborhood Association; however, no response was 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. Approval of the street vacation will result in required sidewalk construction to maintain consistency with the street. Doing so is not anticipated to affect the functional performance of the street system in the Mt. Tabor 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 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. Vicinity Maps
2. Pedestrian and Bicycle Connectivity
3. Property Context
4. Area Proposed for Vacation
5. Site Detail
6. Site Photos

Report prepared by:

Portland Bureau of Transportation Staff Planner

Ari Del Rosario

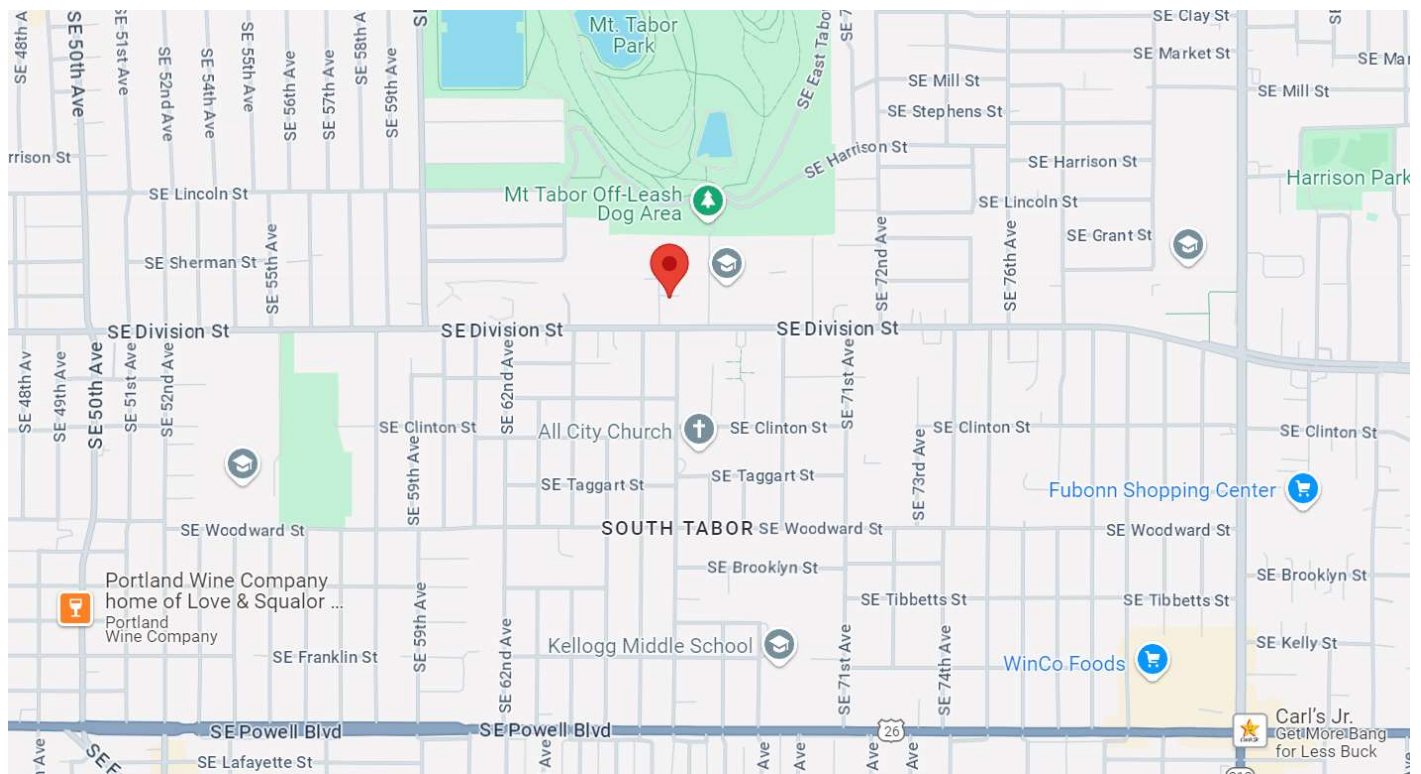
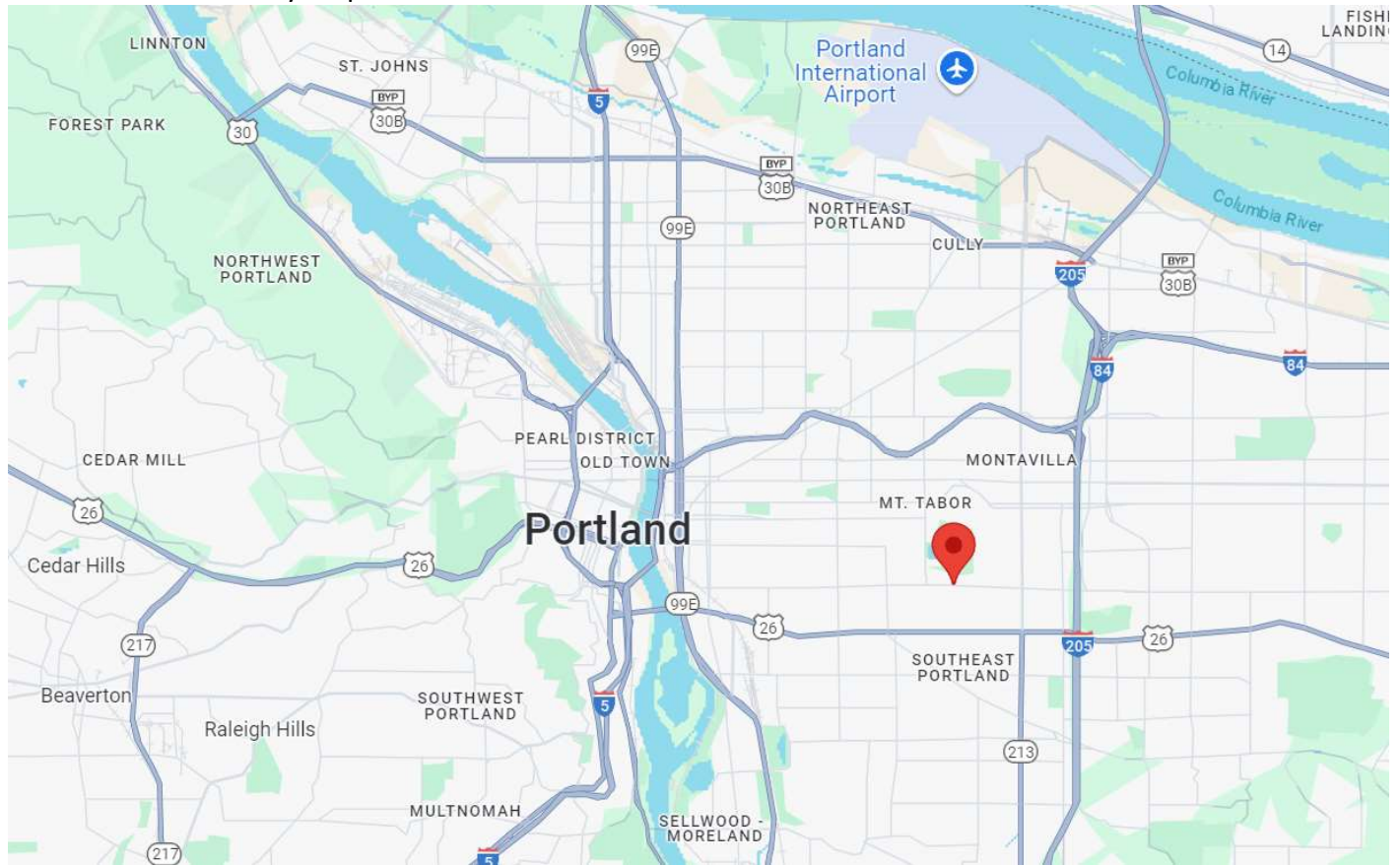
(971) 469-5875

ari.delrosario@portlandoregon.gov

cc: Kevin Balak, Right of Way Program Supervisor

Exhibit 1: Vicinity Maps

Street vacation vicinity maps



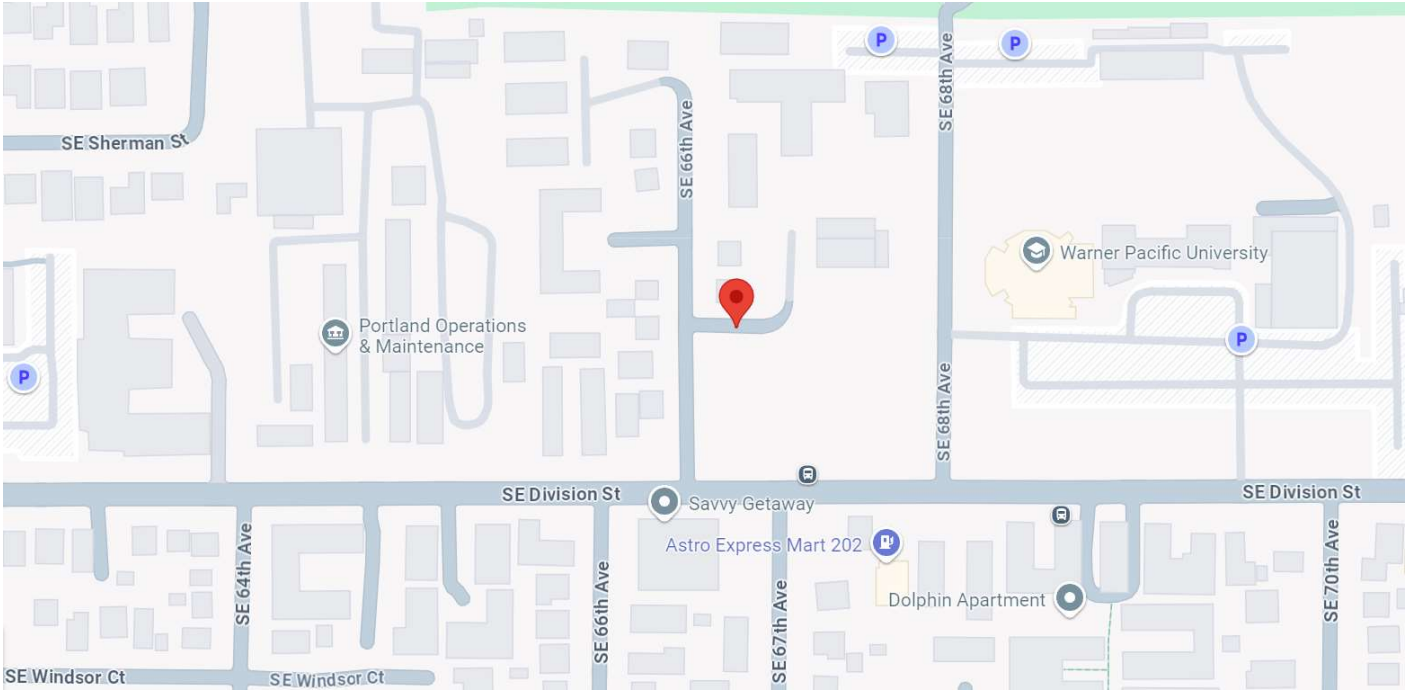
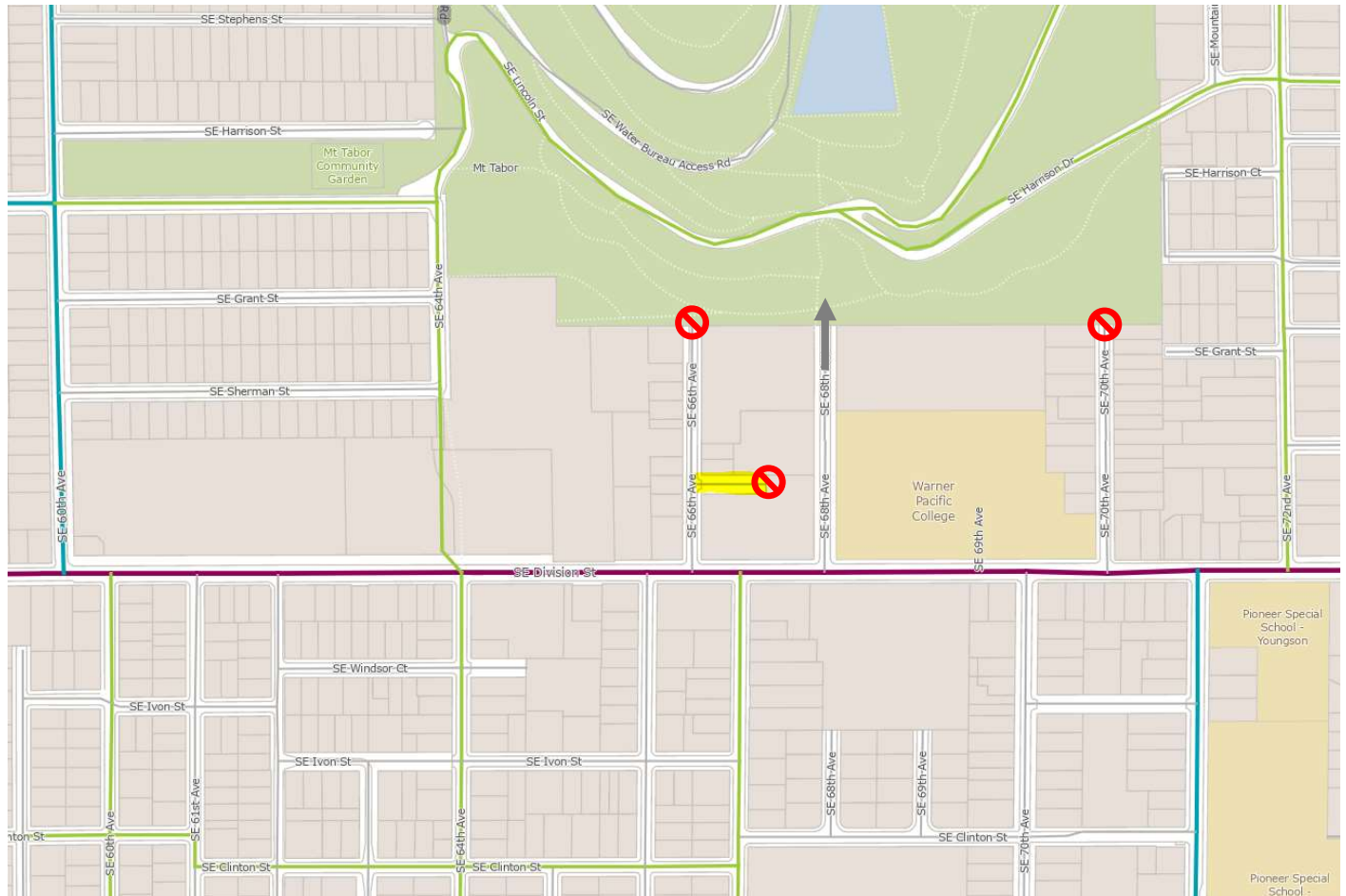


Exhibit 2: Pedestrian and Bicycle Connectivity

Pedestrian classifications

(purple = major city walkway, blue = city walkway, green = neighborhood walkway, gray = local street)



Note: SE 66th Ave and SE 70th Ave north of SE Division St terminate in a dead end, with SE 68th Ave (arrow) providing public pedestrian access to Mt Tabor Park. The proposed street vacation on SE Caruthers St also terminates at a dead end and no pedestrian or bikeways exist to connect the street east to SE 68th Ave.

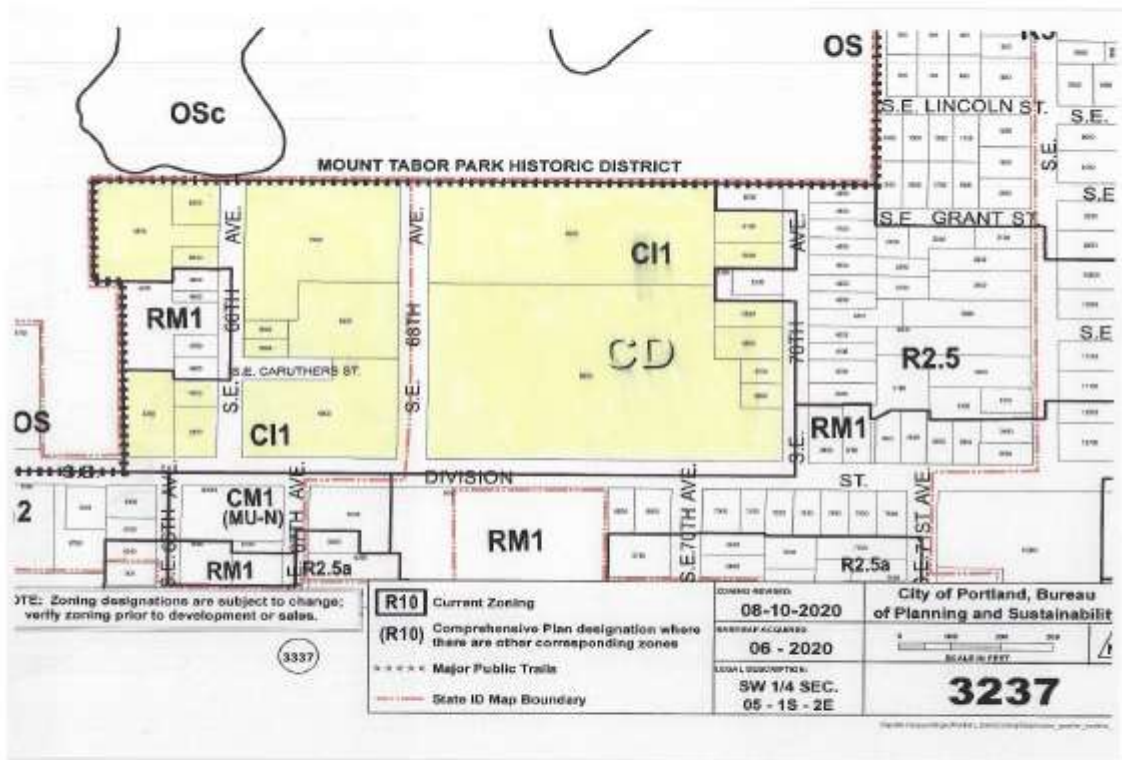
Exhibit 3: Property Context

LEGAL LOTS OWNED BY WARNER PACIFIC

January 25, 2022

Owner: WARNER PACIFIC COLLEGE
Location: 2219 SE 68TH AVE
 PORTLAND, OR 97215-4026

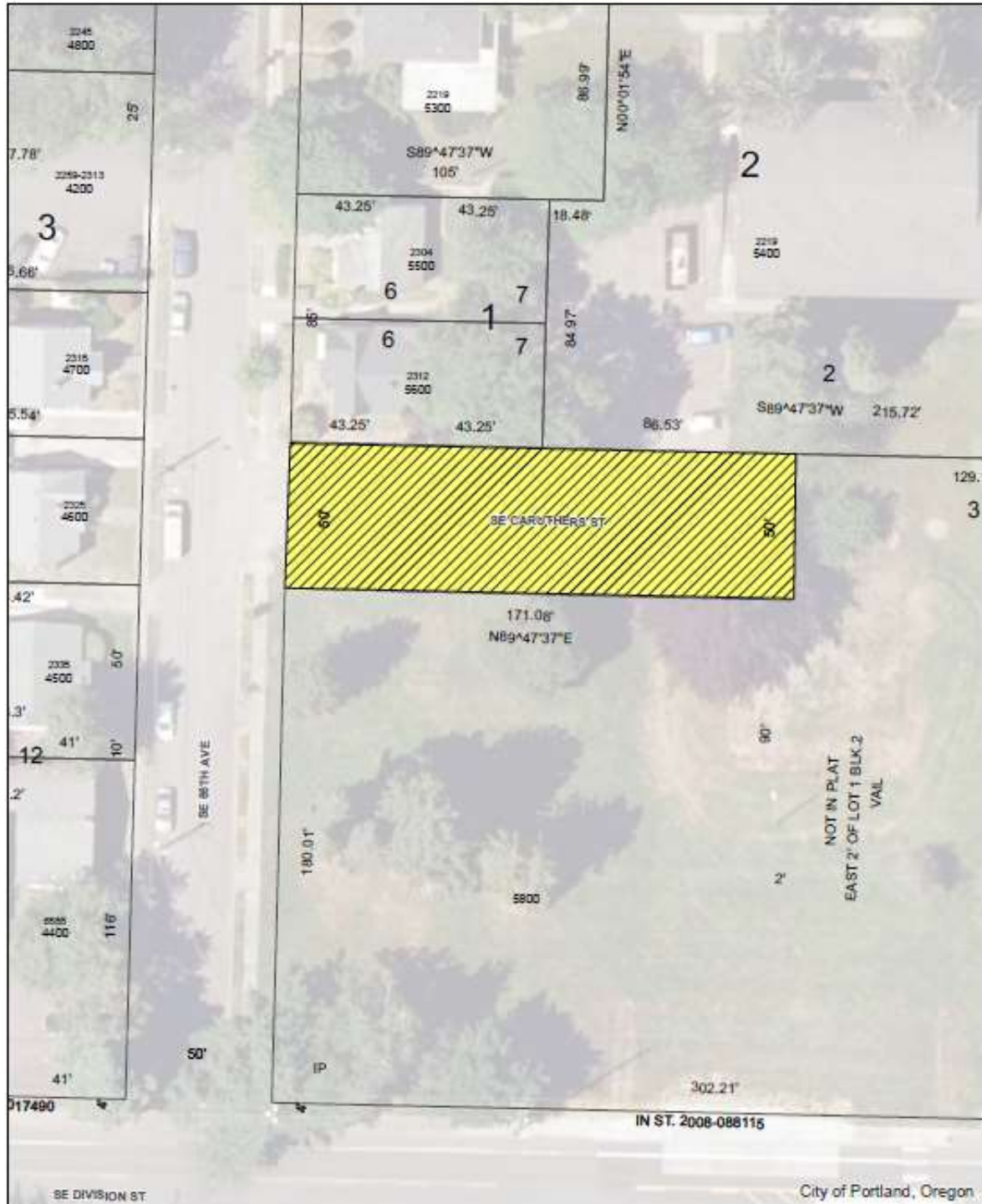
Map Quarter Section: 3237



SITE DESCRIPTION: Lots (Tax Lots): State Identification Number

1S2E05CC -04100	0.92 acres (40,269 sq ft)	1S2E05CC -05800	1.37 acres (59,677.20 sq ft)
1S2E05CC -05200	0.21 acres (9,338 sq ft)	1S2E05CD -06000	2.96 acres (128,937.6 sq ft)
1S2E05CC -05000	0.10 acres (4,529 sq ft)	1S2E05CD -05900	5.63 acres (245,242.8 sq ft)
1S2E05CC -04500	0.10 acres (4,193 sq ft)	1S2E05CD -05100	0.22 acres (9,498 sq ft)
1S2E05CC -04400	0.22 acres (9,512 sq ft)	1S2E05CD -05200	0.18 acres (7,918 sq ft)
1S2E05CC -04300	0.45 acres (19,660 sq ft)	1S2E05CD -05500	0.18 acres (7,920 sq ft)
1S2E05CC -05300	1.79 acres (77,972.40 sq ft)	1S2E05CD -05600	0.22 acres (9,537 sq ft)
1S2E05CC -05400	0.81 acres (35,489 sq ft)	1S2E05CD -05700	0.10 acres (4,544 sq ft)
1S2E05CC -05500	0.08 acres (3,676 sq ft)	1S2E05CD -05800	0.10 acres (4,544 sq ft)
1S2E05CC -05600	0.08 acres (3,676 sq ft)		

Exhibit 4: Area Proposed for Vacation



SE Caruthers Street east of SE 66th Avenue

Petitioner: Warner Pacific University
 Section: 1S2E05CC

 Area Proposed for Vacation


 1 in = 50 ft

Exhibit 5: Site Detail

Aerial photo showing study area

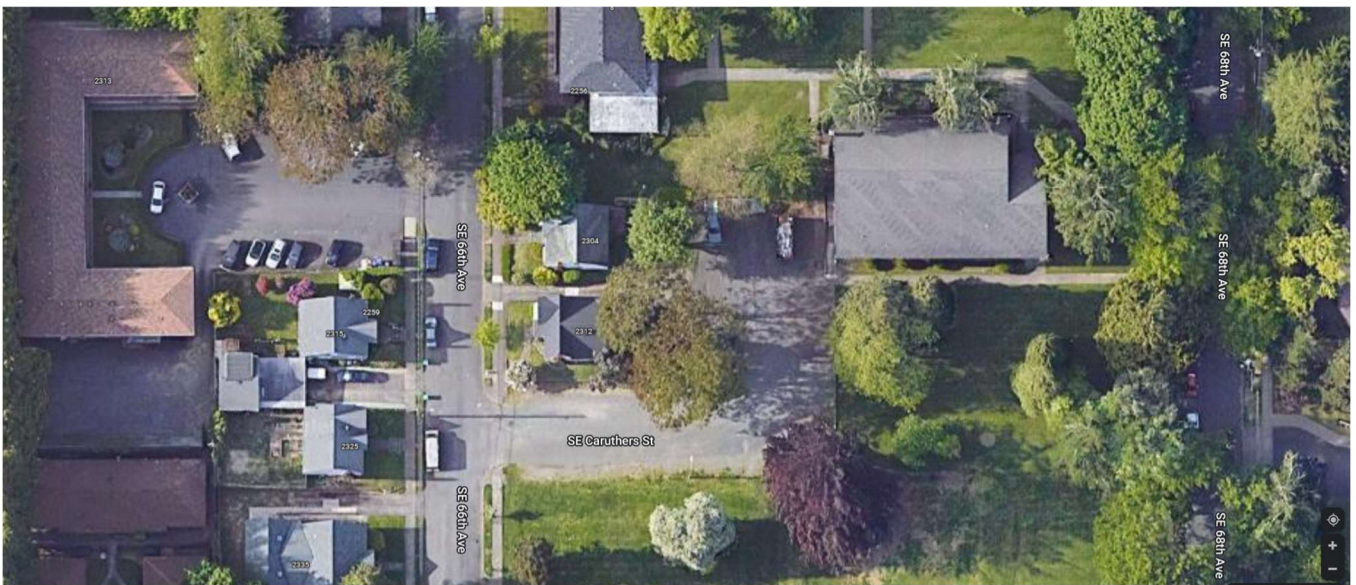
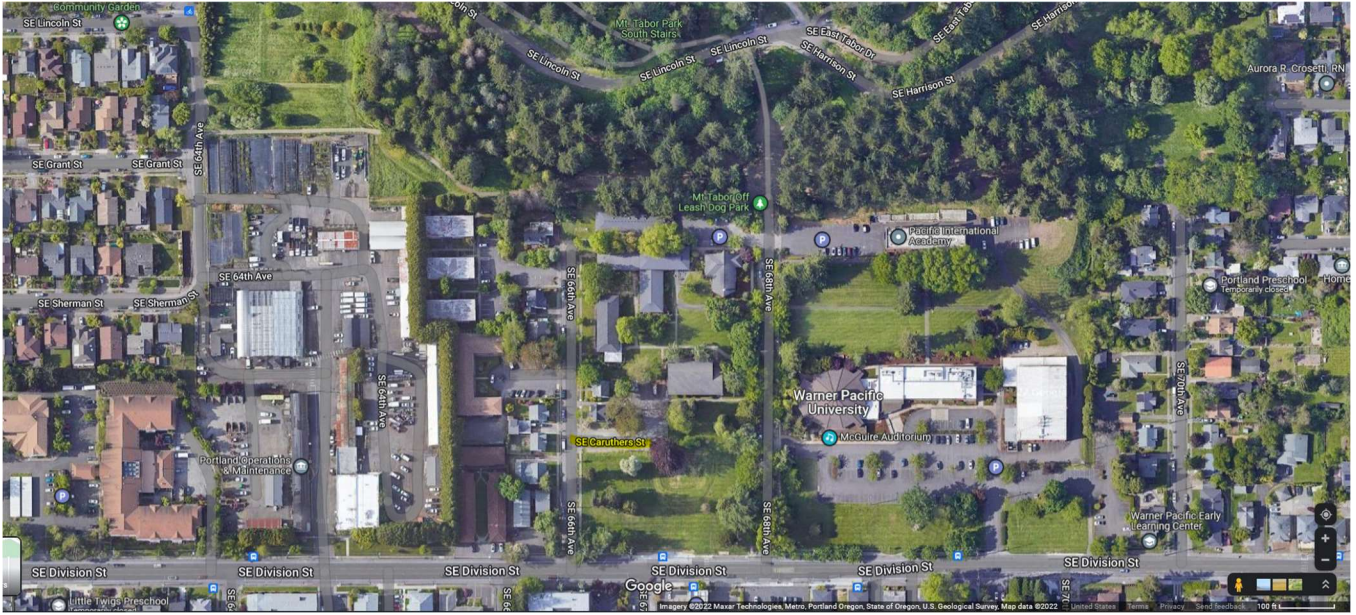


Exhibit 6: Site Photos

SE Caruthers St (proposed vacation site) as viewed east from SE 66th Ave



SE 66th Ave, facing south



SE 66th Ave, facing north



Facing north towards SE 66th Ave from SE Division St

