

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Lance D. Lindahl		2. Telephone No. 503-823-7465	3. Bureau/Office/Dept. PBOT/RWA
4a. To be filed (hearing date): February 22, 2012	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: February 10, 2012
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

Vacate a portion of SW 46th Ave and a portion of SW Florida St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10070)

**2) Purpose of the Proposed Legislation:**

The purpose of this request is to vacate a portion of SW 46th Avenue and a portion of SW Florida Street, as recommended in this Engineer's Report.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |   |                                |
|--|------------------------------------|---|--------------------------------|
| <input type="checkbox"/> City-wide/Regional                | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest            | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast                 | <input type="checkbox"/> Southeast | <input checked="" type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                      |                                    |   |                                |
| <input type="checkbox"/> Internal City Government Services |                                    |   |                                |

**FINANCIAL IMPACT**

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

Administrative costs/staff time associated with this action are estimated to be \$15,000. Revenue from this street vacation is included as part of the Right-of-Way cost center's estimated budgeted revenues.

**5) Expense:** What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

Expenses are covered as part of this cost center's budgeted appropriation.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*  
Not applicable to this action.
  
- **Will positions be created or eliminated in future years as a result of this legislation?**  
Not applicable to this action.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)* Not applicable to this action.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

c) How did public involvement shape the outcome of this Council item?

d) Who designed and implemented the public involvement related to this Council item?

e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

KK 02-09-12

*Steve Tomlin*

FOR TOM MILLER

BUREAU DIRECTOR

TOM MILLER, Bureau of Transportation



Sam  
Adams  
Mayor

January 11, 2012

Tom  
Miller  
Director

**REVISED CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED  
VACATION OF SW 46<sup>TH</sup> AVENUE AND SW FLORIDA STREET (R/W # 7191)**

**Background**

- 1. Proposed Street Vacation Area.** SW 46<sup>th</sup> Avenue between SW Vermont Street and the south right-of-way line of SW California Street, said area being approximately 476 feet long by 42 feet wide, and a portion of SW Florida Street east of SW 46<sup>th</sup> Avenue, said area being approximately 102 feet lot long by 50 feet wide. Said areas contain a total of approximately 25,092 square feet. The portion of SW 46<sup>th</sup> Avenue is currently improved with a mix of gravel and asphalt pavement. The portion of SW Florida Street is currently unimproved and is not passable due to the area being sloped and the presence of vegetation. The proposed vacation area is more specifically depicted on Exhibit 1 attached hereto.
- 2. Petitioner.** St. Luke Lutheran Church is the owner of all the property abutting the proposed street vacation area.
- 3. Purpose.** The street vacation is proposed in order to consolidate property for the future development of church buildings.
- 4. Compliance with Minimum Requirements.** The Petitioner has secured necessary signatures of property owners in the area, as required under ORS 271.080 (Vacation in incorporated cities; petition; consent of property owners). The Office of the City Auditor approved the required petition on March 19, 2010.
- 5. Due Diligence Review.** Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. A summary of this due diligence effort is attached as Exhibit 3 hereto. Of particular significance were comments by PBOT Development Review, PBOT Street Lighting, Bureau of Development Services, Portland Water Bureau (PWB), and Portland Fire Bureau which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Portland General Electric, Northwest Natural, and Comcast have requested that the street vacation ordinance reserve easements for their existing facilities.
- 6. Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on June 28, 2011, with its Report and Recommendation attached as Exhibit 4 hereto.

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185  
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7. **Costs.** The Petitioner has paid \$15,000 to date to reimburse the City for staff costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

### **Bureau of Transportation Recommendation**

The Bureau of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to the conditions and reservations specified below. The area to be vacated is more specifically described as:

A portion of SW 46<sup>th</sup> Avenue and SW Florida Street, in the City of Portland, Multnomah County, Oregon, as shown on the attached Street Vacation map, being that portion of said SW 46<sup>th</sup> Avenue lying between the westerly extension of the north line of Lot 5, Block 1, Bella Vista and the westerly extension of the north line of Lot 10, Block 3, Bella Vista.

Containing 19,992 square feet, more or less.

**AND**

That portion of said SW Florida Street lying between the southerly extension of the west line of Lot 6, Block 1, Bella Vista and 1.00 foot west of the southerly extension of the east line of Lot 7, Block 1, Bella Vista.

Containing 5,100 square feet, more or less.

### **Conditions, Reservations and Releases**

1. **Conditions.** The following conditions must be satisfied by the Petitioner prior to the street vacation ordinance being recorded by the City and thereby considered effective:
  - A. **Bureau of Transportation, Development Review.** The street vacation must be recorded prior to issuance of building permits. Development of additional church facilities must be completed within 2 years of issuance of building permits or as determined by the Bureau of Transportation's City Engineer or as outlined in a future Master Plan. If development is not completed within this time, property owner shall dedicate the vacated street to restore public right-of-way.
  - B. **Bureau of Development Services.** The Petitioner will consolidate any historically platted lots that will lose legal street frontage through the Title 33 Lot Consolidation Review process. The Lot Consolidation must be recorded before recording the street vacation ordinance.

- C. Bureau of Transportation, Street Lighting.** The City of Portland owns one street light near the intersection of SW 46<sup>th</sup> Avenue and SW California Street that is within the street area to be vacated. As a condition of street vacation approval, the street light is to either be removed by Portland General Electric (PGE) at the expense of the Petitioner and returned to the City of Portland or the street light can remain and the Petitioner will be responsible for paying the monthly maintenance fee charged by PGE.
- D. Water Bureau.** The Water Bureau owns and maintains certain improvements within the street area to be vacated. As a condition of street vacation approval, the Petitioner will pay the costs to relocate the water facilities in SW 46<sup>th</sup> Avenue at SW California Street out of the vacation area. The Water Bureau will complete the work within a reasonable period of time after receiving payment from the Petitioner. The Petitioner and Petitioner's successors and assigns, will agree to accept ownership of any abandoned facilities in the vacated street area and will waive any claims of any nature that may arise in connection with the existence of such facilities or the City's prior use of those facilities.
- E. Fire Bureau.** The Petitioner will install a fire hydrant within the public right-of-way at the corner of SW 46<sup>th</sup> Avenue and SW California Street and/or install a sprinkler system to the existing church building addressed as 6835 SW 46<sup>th</sup> Avenue upon the determination of the Portland Fire Bureau.
- F. Bureau of Transportation, Mapping.** Property located at 6812 SW 46<sup>th</sup> Avenue will need to be readdressed to have a SW California Street address.
- G. Costs.** In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.

## 2. Reservations and Release

- A. Bureau of Transportation, Development Review.** A permanent 16 foot wide pedestrian access easement will be reserved abutting the north right-of-way line of SW Florida Street.

At the time this street vacation case was presented to the Planning and Sustainability Commission, PBOT Development Review was requiring a dedication of a new 16 foot wide north/south right-of-way to accommodate a future 10 foot wide pedestrian connection and associated stormwater facilities within or east of SW 46th Avenue to occur prior to the street vacation ordinance being recorded. Since the Petitioner's Master Plan for development has not been finalized, it would be extremely difficult to meet this condition. Upon further review from PBOT staff, it seems to be more logical to have the dedication requirement be a condition of their building permit rather than a condition of the street vacation.

The dedication of the new right-of-way will now occur after the street vacation is recorded, but prior to the granting of building permits for the expansion of St. Luke Church. This will allow the Petitioner greater flexibility in maintaining their current operations while at the same time ensuring that the public has north/south access through their properties.

In order to maintain public access through the site, a temporary pedestrian access easement will be reserved over the entire area of SW 46<sup>th</sup> Avenue to be vacated. This easement will remain until such time the new north/south public right-of-way has been dedicated and recorded, and the improvements have been built and are open for public use. At such time, the City will quitclaim the temporary pedestrian access easement upon the written request of the property owner. The Petitioner will pay all costs associated with preparing, processing, and recording the Quitclaim Deed.

PBOT staff believes that the intent of the condition is still being met even though the specifics related to the timing have been modified. Extra effort and precaution is being taken by City staff to ensure that the dedication does occur and to make sure that this requirement is not forgotten.

Both the permanent and temporary pedestrian access easements are depicted on Exhibit 2.

- B. Utilities.** In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, including, but not limited to those identified by PGE, Northwest Natural, and Comcast. The ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of existing utilities and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.

- C. **City Release.** Notwithstanding 2B and except for 2A, the Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
3. **Repeal.** In the event the Petitioner fails to fully comply with the above conditions within two years of Council adopting the Ordinance, City Council may repeal the Ordinance at its sole discretion.
4. **Effective Date.** The street vacation will not be effective until a certified copy of the vacating Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording the vacating Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the vacating Ordinance have been met, and that all vacation costs have been paid.



\_\_\_\_\_  
City Engineer or designee

**TO THE COUNCIL:**

The Mayor concurs with the recommendation of the City Engineer and the Planning and Sustainability Commission and;

**RECOMMENDS:**

**That the City Council accepts the City Engineer and Planning and Sustainability Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.**

Respectfully submitted,

Mayor Sam Adams

**Attachments:**

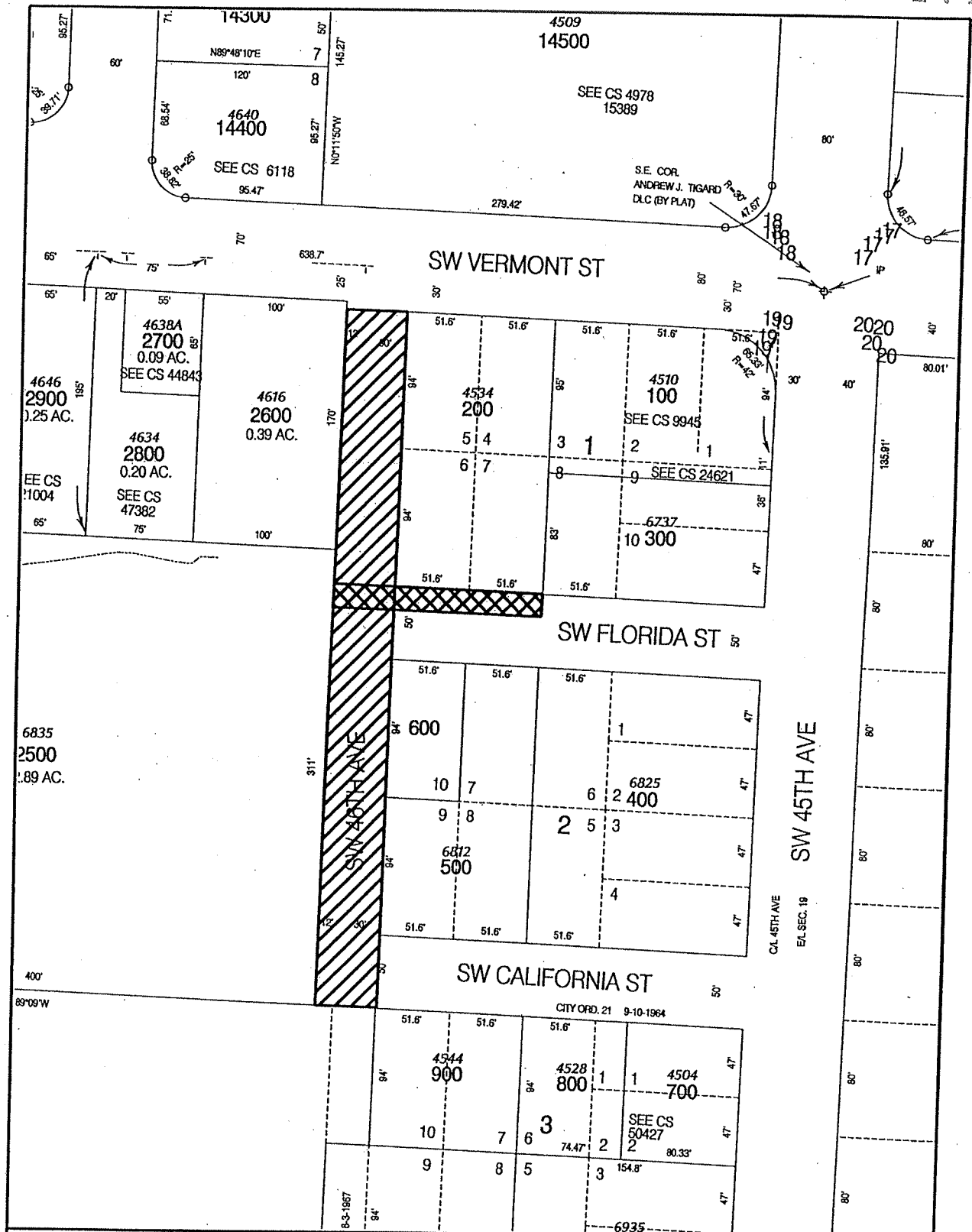
- Exhibit 1, Proposed Vacation Area Map
- Exhibit 2, Map of Pedestrian Access Easement
- Exhibit 3, Summary of Comments
- Exhibit 4, Planning Commission Recommendation







# EXHIBIT 2


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## SW 46TH AVENUE AND SW FLORIDA STREET

Petitioner: ST. LUKE LUTHERAN CHURCH  
 1/4 Section: 3724 Section: 1S1E19AA

-  PERMANENT PEDESTRIAN ACCESS EASEMENT
-  TEMPORARY PEDESTRIAN ACCESS EASEMENT

N  
  
 Scale: 1" to 100'

## Comments Summary

RWA #7191 SW 46th Avenue and SW Florida Street	RWA Project Manager: Lance D.Lindahl	Petitioner: St. Luke Lutheran Church Contact: ST. Luke Lutheran Church Maripat Hensel 6835 SW 46th Avenue Portland, OR 97219 Phone: 503-936-5863 (cell), 503-244-3232 (home) henselm@comcast.net
SAP No.: 9TR000001484		
VAC-10070		
IQ # 08-192367		
<b>City Bureaus/Depts. Notified:</b>		
City Auditor Toni Anderson	3/19/10	Petition Certified.
PBOT Development Review Wendy Cawley 503-823-4396	11/7/11	<b>No objection subject to the following conditions:</b> Street Vacation be recorded prior to issuance of building permits. Development be completed within 2 years of issuance of building permits, as determined by the Bureau of Transportation's City Engineer, or as outlined in a future Master Plan. If development is not completed within this time, property owner will dedicate the vacated street to restore the public right-of-way.
		PBOT Development Review supports the vacation of <b>SW 46th Avenue</b> with the following conditions: At the time of development, 16 foot wide public right-of-way must be dedicated within or east of the existing SW 46th Avenue to accommodate a future 10 foot wide pedestrian connection and associated stormwater facilities. (Sidewalk improvements not required at this time.) A temporary pedestrian access easement will be reserved along the entire vacated portion of SW 46th Avenue until such time that the new north/south public right-of-way has been dedicated and recorded, and the improvements have been constructed and opened for public use.
		PBOT Development Review supports the vacation of <b>SW Florida Street</b> with the following conditions: A permanent 16 foot wide pedestrian access easement must be provided within the northernmost portion of the existing SW Florida Street to accommodate a future 10 foot wide pedestrian connection and associated stormwater facilities. (Sidewalk improvements on SW Florida not required at this time.)
Transportation Planning Stuart Gwin	4/29/10	No objection.

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PBOT Permit Engineering Chon Wong 503-823-7050	6/10/10	<b>No objection subject to the following conditions:</b> Deferred to Wendy Cawley with PBOT Development Review.
PBOT Trans Systems Mgmt Carl Snyder	4/20/10	No objection.
PBOT Street Lighting Tod Rosinbum 503-823-5573	1/9/12	<b>No objection subject to the following condition:</b> The City of Portland owns one street light near the intersection of SW 46th Avenue and SW California Street that is within the street area to be vacated. The street light is to either be removed by Portland General Electric (PGE) at the expense of the Petitioner and returned to the City of Portland <u>or</u> the street light can remain and the Petitioner will be responsible for paying the monthly maintenance fee charged by PGE.
PBOT Project Management Andrew Aebi 503-823-5648	11/9/10	<b>No objection subject to the following condition:</b> Deferred to Wendy Cawley with PBOT Development Review.
Development Services Sean Williams 503-823-7612	5/24/10	<b>No objection subject to the following condition:</b> Consolidation of any historically platted lots that will lose legal street frontage.
Environmental Services Andre Duval	5/21/10	No objection.
Water Bureau Rick Nelson 503-823-7475	4/28/10	<b>No objection subject to the following conditions:</b> Water facilities in SW California must be relocated out of the vacation area at applicant's expense. This can be avoided if the vacation of SW 46th ended at the north line of California.
Fire Bureau Jerry Randall 503-823-4032	7/6/10	<b>No objection subject to the following conditions:</b> Install a hydrant within the public right-of-way at the corner of SW 46th and SW California and/or install a sprinkler system to the existing church building addressed as 6835 SW 46th upon the determination of the Fire Bureau.
Park Bureau Todd Lofgren	5/19/10	No objection.
Urban Forestry Division Joe Hintz	5/20/10	No objection.

Planning and Sustainability Commission Stuart Gwin 503-823-7788	6/28/11	<b>Approved subject to the following conditions to be met prior to redevelopment of the property:</b> Dedicate and construct a new north-south 16' wide pedestrian/bike access improvement between SW Vermont and SW California Streets with at least a 10' wide portion paved for all weather access. Construct a 16' wide east-west pedestrian connection that provides access to the new building with at least a 10' wide portion paved for all weather access. Create a Good Neighbor Agreement to include the surrounding Neighborhood Associations related to implementation of the new bike and pedestrian improvements.
PBOT Mapping Paul Cone 503-823-4071	4/19/10	<b>No objection subject to the following condition:</b> Property at 6812 SW 46th will need to be readdressed to have a SW California address.
<b>Neigh Assoc Notified:</b>		
Maplewood Neighborhood Assoc. Vern Krist, Transportation		No response.
Southwest Neighborhoods, Inc. Brian Russell, Chair		No response.
SW Trails Don Baack	4/27/10	SW Trails opposed to street vacation since pedestrian connectivity would be adversely effected in a neighborhood where safe pedestrian access is already limited.
<b>Local Agencies Notified:</b>		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Brian Shelden		No response.
TriMet John Baker		No response.
<b>Public Utilities Notified:</b>		
PGE Jenny Mulalley 503-464-8125	4/22/10	Have facilities in street area; reserve easement.
Pacific Power Tom Kikes		No response.

Comments Summary

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Qwest Lynn M. Smith	4/23/10	No facilities in street area.
Northwest Natural Robin VanDeurzen 503-226-4211 Ext. 4378	4/27/10	Have facilities in street area; reserve easement.
Comcast Cable Coax & Fiber Design Walter Banks 503-605-6148	4/21/10	Have facilities in street area; reserve easement.



CITY OF  
**PORTLAND**  
BUREAU OF  
**TRANSPORTATION**



Sam  
Adams  
Mayor

Tom  
Miller  
Director

**CITY OF PORTLAND PLANNING AND SUSTAINABILITY  
COMMISSION REPORT AND RECOMMENDATION  
TO THE CITY OF PORTLAND CITY COUNCIL**

**FILE NUMBER: R/W #7191**

**Commission Meeting to be held June 28, 2011  
5:30 PM  
1900 SW 4<sup>TH</sup> BUILDING, 2<sup>ND</sup> FLOOR, ROOM 2500 A**

**I. GENERAL INFORMATION**

**Street Vacation Request:** Proposed vacation of SW 46<sup>th</sup> Ave. and SW Florida St.

**Petitioner:** St. Luke Lutheran Church  
Maripat Hensel  
6835 SW 46<sup>th</sup> Av.  
Portland, OR 97219  
503-936-5863

**Purpose:** Consolidate property for future redevelopment  
(expansion of church buildings)

**Neighborhood:** Maplewood Neighborhood Association  
Vern Krist, Transportation Chair  
7004 SW 52<sup>nd</sup> Ave.  
Portland, OR 97219  
503-293-0804  
[transportation\\_chair@maplewoodna.com](mailto:transportation_chair@maplewoodna.com)

Southwest Neighborhoods Inc.  
Marianne Fitzgerald, Chair  
10537 SW 52<sup>nd</sup> Dr.  
Portland, OR 97219  
503-246-1847

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Southwest Trails  
Don Baack, Chair  
6495 SW Burlingame Place  
Portland, OR 97239  
503-246-2088  
baack@q.com

**Quarter Section:** 3724

**Designation/Zone:** CN2, R7

## **II. FACTS**

### **A. History and Background**

SW 46<sup>th</sup> is currently improved with pavement and gravel. SW Florida is currently unimproved with vegetation and slope. St. Luke Lutheran Church would like to vacate the existing ROW to create the opportunity to expand the current church facilities. A new pedestrian, bicycle facility would be created to the east of the current SW46th Ave. ROW to serve as a north/south connection to replace SW 46<sup>th</sup>.

### **B. Concurrent land use actions**

There are no concurrent land use actions at this time.

### **C. The Transportation Element**

The Transportation Element of the Comprehensive Plan (Chapter 2 of the Transportation System Plan) classifies SW 46<sup>th</sup> Ave between Vermont and California as a Local Service Street for all designations. For more details:

### **D. Neighborhood Plan**

The site lies within the Maplewood Neighborhood Association. There is no adopted plan for this neighborhood.

Southwest Community Plan (2000) includes 18 southwest Portland neighborhoods, including Maplewood. Two policies contained in the plan may be inconsistent with the proposed street vacation.

**Public Safety:** Enhance the level of community responsibility for a secure and safe living environment through shared efforts of residents, public agencies, intuitions, and businesses. Maintain a high level of public safety and security for residents, employees and businesses.

Objective 6. Encourage the development of street patterns and standards that provide adequate emergency vehicle access and quick response times. Ensure



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adequate ingress and egress especially to public safety facilities, which should have alternate routes in the event that disaster blocks primary access routes. *The proposed street vacation would close one of two access streets to the Church which has over 1,300 members. The property is set back from the road, with privately-owned lots between the Church-owned properties and local arterials. SW California Street, which dead-ends into the St Luke's parking lot, would provide the only point of ingress and egress for emergency response vehicles.*

Transportation: Provide a balanced multimodal transportation system in Southwest Portland that encourages increases in transit use and pedestrian accessibility and connectivity, discourage non-local traffic in residential areas, manages congestion and focuses on improving and maintaining arterial and local streets.

Objective 1. Support the development of pedestrian facilities, including safe crosswalks, identified in the Pedestrian Master Plan and the SW Trails maps on arterials and local streets, at major intersections and bus stops, on unimproved rights-of-way, and across public and private lands where appropriate to provide connections between residential areas and activity centers.

*SW 46<sup>th</sup> Ave and SW California are both local, unimproved streets which lack sidewalks. Possible conditions for the approval of this street vacation application already indicate needed pedestrian access through Church-owned properties and construction of new sidewalks along SW California.*

### III. FINDINGS

#### A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Comprehensive Plan are:

##### **Policy 6.20 Connectivity states:**

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

*Comment:*

*According to City connectivity policy that states connections needed at 530 feet and pedestrian connections every 330 feet, removing SW 46<sup>th</sup> as a public right-of-way would leave a 1,050 foot frontage along SW Vermont between SW 49<sup>th</sup> and 45<sup>th</sup> without any connection with the exception of a privately owned street that functions as a driveway for neighboring St John Fisher Church.*

*However, City connectivity policy also indicates that environmental zones and terrain constraints are possible exceptions to meeting connectivity standards. The SW Master Street Plan indicates an environmental protection zone that covers a part of SW 46<sup>th</sup> and surrounding St Luke Lutheran Church property. It is possible due to the requirements of PCC.33.430.070/G that because parts of SW 46<sup>th</sup> are located in*

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*an environmental zone that SW 46<sup>th</sup> it is not feasible to apply the City's connectivity standards.*

**Policy 6.21 Right-of-Way Opportunities states:**

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

*Comment:*

*The Petitioner proposes abandoning SW 46, while replacing it with a 16' ped/bike connection to the east. See ~~photos and maps~~ following this report*

**Policy 8.14 Natural Resources, Objective I. States:**

Consideration of Scenic Resources in Street Vacations. Require the preservation and maintenance of existing and potential view corridors and view points when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

*Comment:*

*Not applicable*

**Policy 11.11 Street Plans, Objectives D. and E. state:**

D. Provide full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

E. Provide bike and pedestrian connections at approximately 330-foot intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

*Comment:*

*See comments related to Policy 6.20 Connectivity above.*

**Policy 12.4 Provide for Pedestrians, Objective G. states:**

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routes and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

*Comment:*

*With the creation of a new ped/bike connection to the east of the existing SW46th Ave. ROW ped and bike circulation should be preserved.*

**Policy Considerations - Current and Future Need**

**B. Zoning Code considerations**

No zoning considerations

**C. Subdivision code considerations**

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No subdivision considerations

**D. Improvement considerations**

The Petitioner proposes adding additions the current buildings on their site, which requires the vacation of SW 46<sup>th</sup> and the creation of a new ped/bike connection to take the place of SW 46<sup>th</sup>.

**E. Other Considerations**

***Neighborhood issues.***

SW Trails

Will oppose street vacation based on adverse impact to pedestrian connectivity

**IV. CONCLUSIONS**

Conditions of approval from City Bureaus and other interested parties:

Portland Bureau of Transportation

**No objection subject to the following conditions:**

1. Vacations be recorded prior to issuance of building permits. Development be completed within 2 years of issuance of building permits, or as outlined in a future Master Plan. If development is not completed within this time, property owner shall dedicate the vacated street to restore public right-of-way.
2. A 16 ft. wide dedicated public right-of-way for pedestrian access must be provided within or east of SW 46<sup>th</sup> Ave. to accommodate future pedestrian/bike connections and associated stormwater facilities. (Sidewalk improvements on SW 46<sup>th</sup> not required at this time.)
3. A 16 ft. wide access easement must be provided within northernmost portion of existing SW Florida St. to accommodate a future pedestrian connection and associated stormwater facilities. (Sidewalk improvements on SW Florida not required at this time.)

Portland Bureau of Transportation Street Lighting

Street light at the end of SW California must remain.

Portland Bureau of Development Services

Consolidation of any historically platted lots that will lose legal street frontage.

Portland Water Bureau

Water facilities in SW California must be relocated out of the vacation area at applicant's expense. This can be avoided if the vacation of SW 46<sup>th</sup> ended at the north line of SW California.

Portland Fire Bureau

Install a hydrant within the public right-of-way at the corner of SW46th and SW California and/or install a sprinkler system to the existing church buildings addressed as 6835 SW 46<sup>th</sup> upon final determination by the Fire Bureau.

Portland Bureau of Transportation Mapping

Property at 6812 SW 46<sup>th</sup> will need to be readdressed to have a SW California address.

SW Trails

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Will oppose street vacation based on adverse impact to pedestrian connectivity  
Portland General Electric

Have facilities in street area; reserve easement

Northwest Natural

Have facilities in street area; reserve easement

Comcast Cable

Have facilities in street area; reserve easement

Portland City Planning & Sustainability Commission

1. Dedicate and construct a new north-south 16' wide pedestrian/bike access improvement within or east of existing SW 46<sup>th</sup>. The new pedestrian/bike improvement will be constructed between SW Vermont and SW California.
2. The Pedestrian/bike improvement shall be 16 ft. wide with at least 10 ft. of that ROW to be paved for all weather access. The remainder of the ROW can be utilized for stormwater retention if needed or landscaping.
3. The applicant shall construct a 16' wide east-west pedestrian connection along the north right-of-way line of the segment of SW Florida St. to be vacated. One purpose of this pedestrian connection is to provide access to the entrance of the new building. The exact location shall be determined as part of building permits.
4. A 10 ft. paved portion of improvements in Recommendations 1. and 3., above, shall be constructed with a permanent, easily maintained all weather surface.
5. Create a Good Neighbor Agreement to include the surrounding Neighborhood Associations, that will include terms and intentions focusing on issues outlined above related to implementation of the new bike/ped improvements.

Note: PBOT recommends that to implement Recommendation 1., above, the applicant shall grant a public pedestrian access easement over SW 46<sup>th</sup> Avenue until such time the new north-south pedestrian connection is constructed.

#### **V. STAFF RECOMMENDATION**

The staff recommendation is approval of the vacation of the area as shown on Exhibit 1 **with conditions of approval as shown above.**

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

#### **VI. EXHIBITS**

Exhibit 1: Area proposed for vacation

Exhibit 2: Site Map and Connections

Exhibit 3: St. Luke Redevelopment Concept Plan

Staff Planner - Stuart Gwin, Phone: 503-823-7788

cc:

Lance Lindahl, Right-of-Way Case Manager

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Petitioner- St. Luke Lutheran Church  
Maripat Hensel  
6835 SW 46<sup>th</sup> Ave.  
Portland, OR 97219  
503-936-5863

Maplewood Neighborhood Association  
Vern Krist, Transportation Chair  
7004 SW 52<sup>nd</sup> Ave.  
Portland, OR 97219  
503-293-0804  
[transportation\\_chair@maplewoodna.com](mailto:transportation_chair@maplewoodna.com)

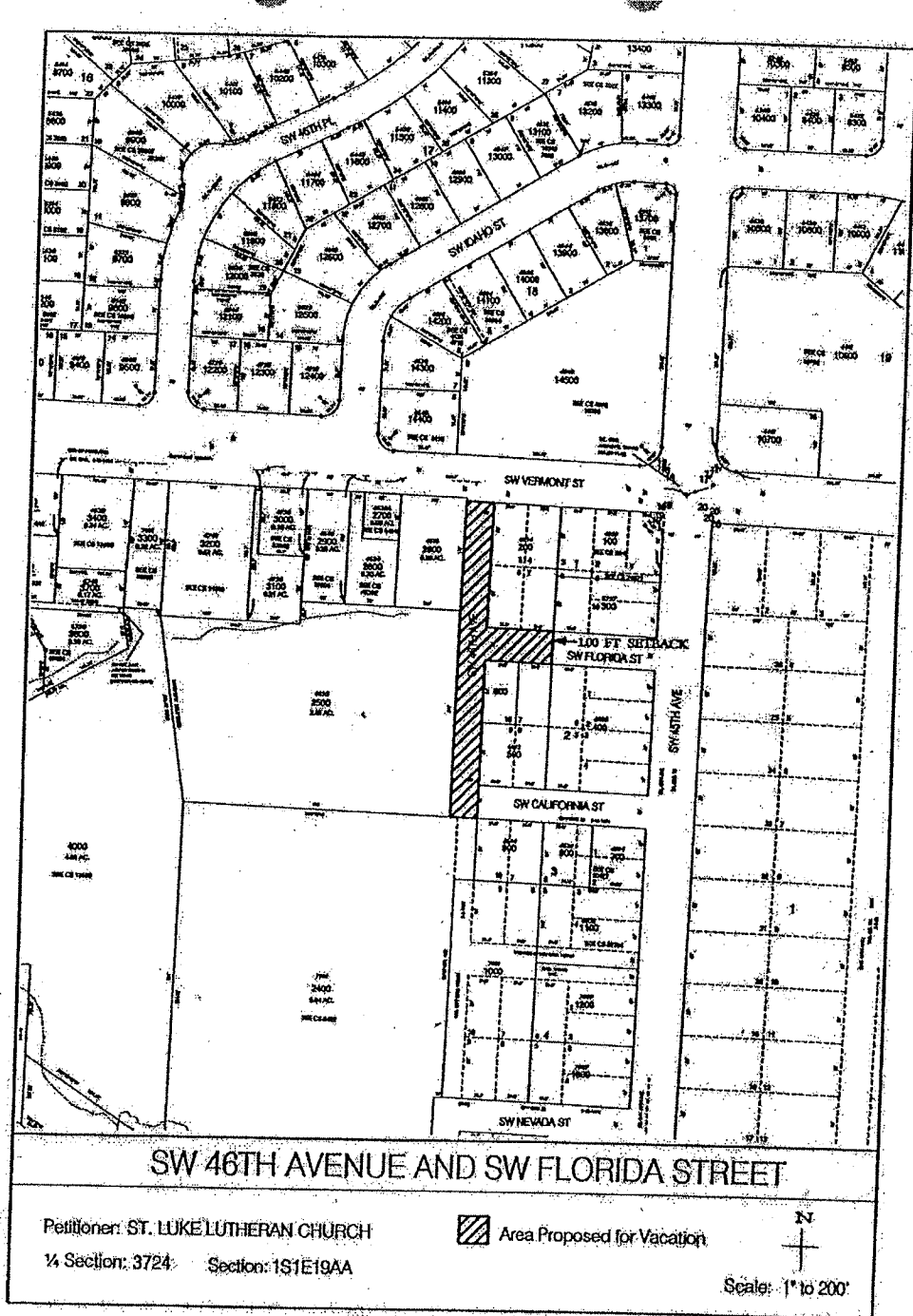
Southwest Neighborhoods Inc.  
Brian Russell, Chair  
8105 SW 36<sup>th</sup> Ave.  
Portland, OR 97219  
503-869-1632

Southwest Trails  
Don Baack, Chair  
6495 SW Burlingame Place  
Portland, OR 97239  
503-246-2088  
[baack@q.com](mailto:baack@q.com)

Case File

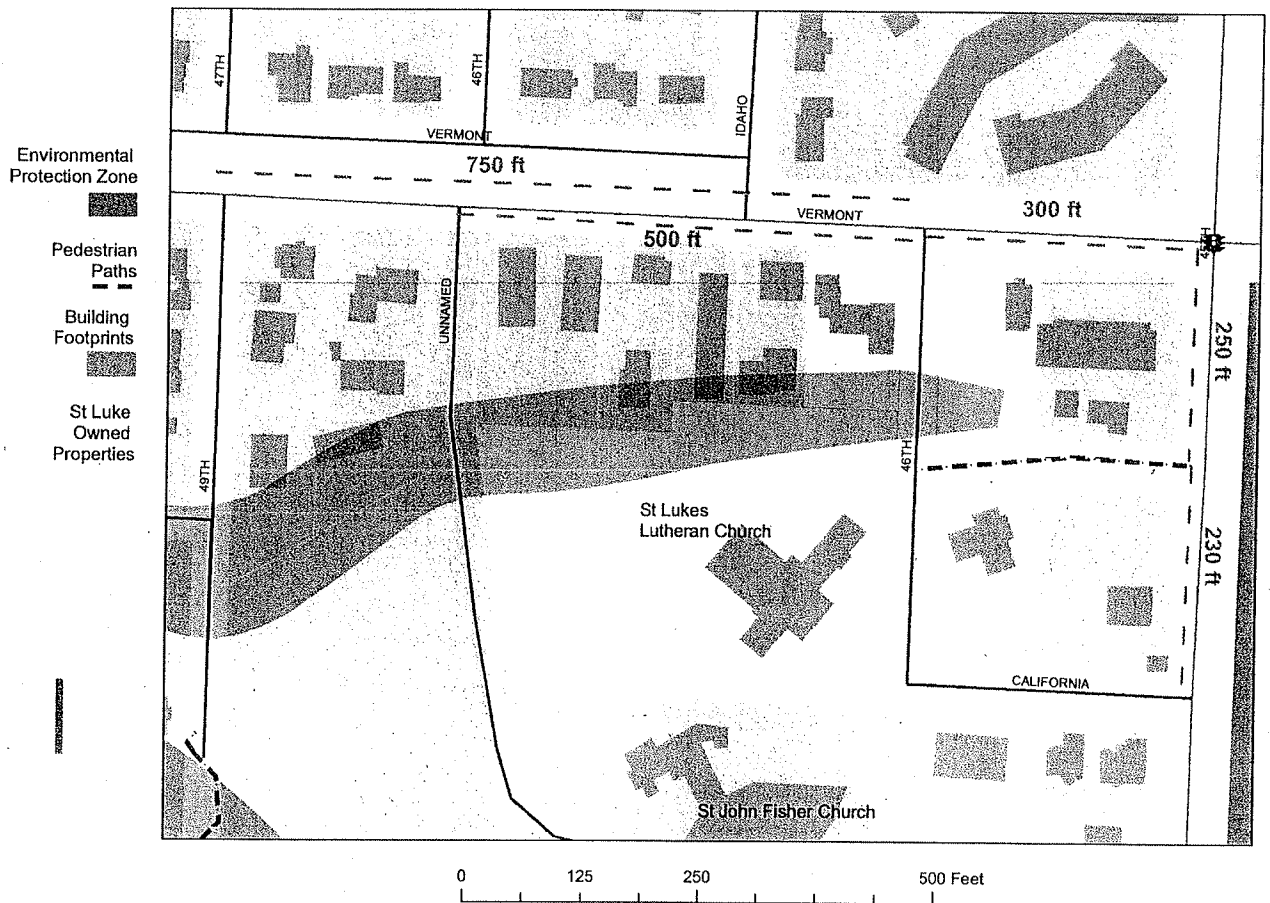
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Exhibit 1



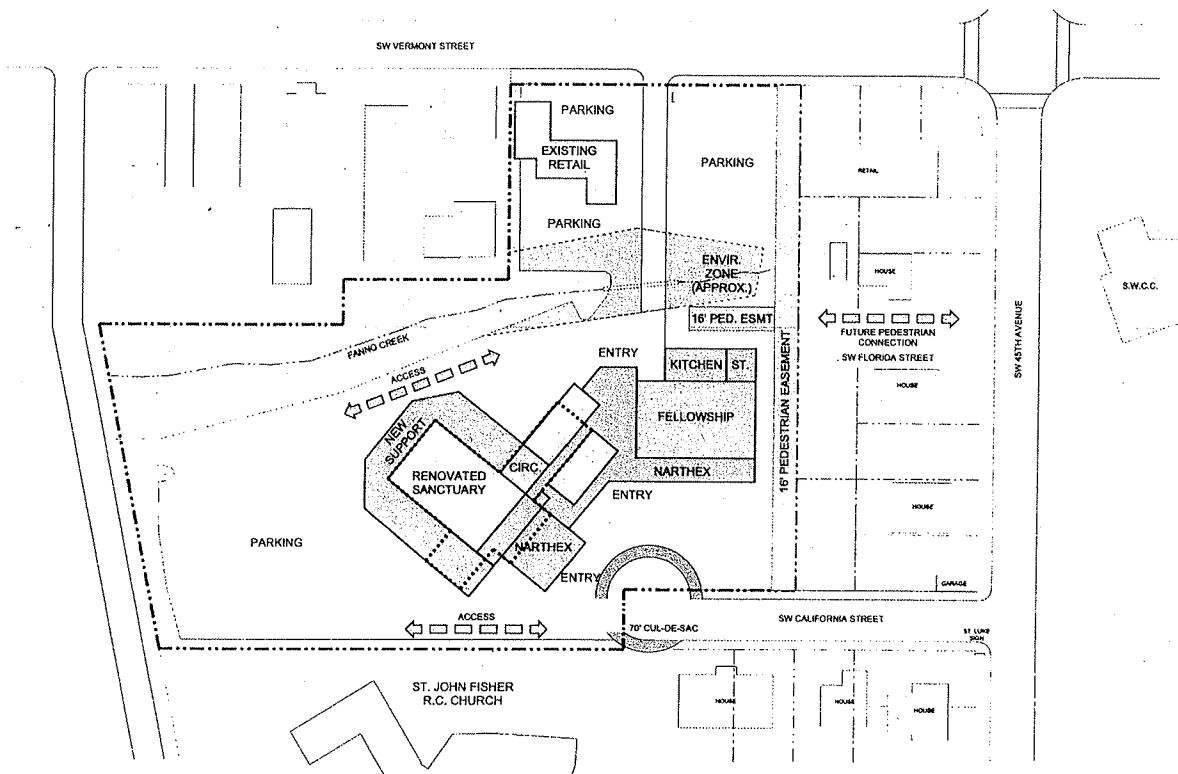
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**Exhibit 2 Site Map and Connections**



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### Exhibit 3: St. Luke Redevelopment Concept Plan



**SITE DIAGRAM - WITH STREET VACATION**  
NOT TO SCALE

**ST. LUKE LUTHERAN CHURCH**  
LRS PROJECT NO. 210177

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