

Sam
Adams
Mayor

Tom
Miller
Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NUMBER: R/W #7372

Commission Meeting to be held 12:30 PM, June 12, 2012

1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

- Street Vacation Request:** Proposed vacation of SW Moody Drive north of the Ross Island Bridge
- Petitioner:** Street vacation initiated by City of Portland, Bureau of Transportation. Petitioner's representative is Teresa Boyle, 1120 SW 5th Ave., Room 800, Portland, OR 97204, 503-823-6197, teresa.boyle@portlandoregon.gov.
- Purpose:** Purpose of vacation is to assemble it to the Consortium property and use it in conjunction with the Portland to Milwaukie Light Rail Project.
- Neighborhood:** South Portland Neighborhood Association
Jim Davis, Land Use/Planning Committee Chair
2337 SW 6th Ave.
503-248-9820
- Southwest Neighborhoods, Inc.
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Quarter Section: 3329

Designation/Zone CXdCC

II. FACTS

A. History and Background

The old SW Moody Drive *right-of-way* is no longer needed for public street purposes, but the right of way can be used for construction of the new Portland to Milwaukie Light Rail Line.

The SW Moody Drive *right-of-way* has not been open for public use for several decades. This section of SW Moody Drive was created as a Territorial Road between Portland and Salem. Territorial Roads became County Roads upon statehood. Upon incorporation into the City of Portland, jurisdiction was transferred to the City. Regional north/south traffic is now served by the adjacent portion of the I-5 Freeway. Local traffic is now served by the adjacent portion of SW Moody Ave. This portion of SW Moody Ave. was recently reconstructed and realigned to support redevelopment of the surrounding area. SW Moody Drive is being vacated to allow for development of the Portland to Milwaukie Light Rail line. A portion of this line will run over a portion of SW Moody Drive that is proposed to be vacated.

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

SW Moody Drive has not been open to public use for several decades so it has no standing in the Transportation Element.

III. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Transportation Element 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.

The SW Moody Drive *right-of-way* has not been open for public use for several decades. Approval of this vacation supports development of the Portland to Milwaukie segment of the regional light rail transit system.

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.

The SW Moody Drive right-of-way has not been open for public use for several decades. This section of SW Moody Drive was created as a Territorial Road between Portland and Salem. This purpose is now served by the adjacent portion of the I-5 Freeway.

Policy 6.40 Southwest Transportation District

Objective A.

Use the Willamette Shore Line right-of-way, the corridor identified in the Macadam Corridor Improvement Plan, or other alignment as appropriate to provide future streetcar commuter service or light rail in the Macadam corridor

Approval of this street vacation will support development of the South Waterfront portion of the Portland to Milwaukie Light Rail Project.

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.

The portion of SW Moody Drive proposed for vacation is not currently open for public use.

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.

The portion of SW Moody Drive proposed for vacation is not currently open for public use. Both topography and the adjacent freeway severely constrain public access.

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.

The portion of SW Moody Drive proposed for vacation is not currently open for public use.

Findings for Policies 6.20, 6.21, 8.14, 11.11 and 12.4

This vacation is in conformance with above referenced Comprehensive Plan Goals and Policies.

B. Neighborhood Plan considerations

This street vacation is in conformance with the South Waterfront Redevelopment Plan

C. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

IV. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide for future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

The traffic carrying function of the old Moody Drive is now served by the adjacent I-5 freeway, Macadam Ave. and the newly reconstructed and realigned SW Moody Ave. A portion of the vacated right-of-way will be used by the new Portland to Milwaukie Light Rail Line.

V. STAFF RECOMMENDATION

It is recommended that the street vacation be approved as with the following conditions.

Bureau of Environmental Services:

No objection subject to the following condition: Reservation of a sewer easement located over and under the southerly 20 ft. of the vacation area to serve BES facilities referenced as ABY757ANY804 and ANY804ANR264

Oregon Department of Transportation:

ODOT records indicate that they own the underlying fee to a portion of the area proposed for vacation. This area is located near Porter Street and would revert to ODOT and not the Consortium.

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.

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

cc: Lance Lindahl, Right-of-Way Case Manager
Jim Davis, Land Use/Planning Committee Chair
South Portland Neighborhood Association
Leonard Gard
Program Manager
Southwest Neighborhoods, Inc.
Don Baack
Southwest Trails PDX
Case File

VI. EXHIBITS

Exhibit 1: Area Proposed for Vacation
See following page

Exhibit 1:

Map of area surrounding the proposed vacation

