

Sam
Adams
Mayor

Tom
Miller
Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #7360

SEPTEMBER 11, 2012

12:30 PM

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

I. GENERAL INFORMATION

- Street Vacation Request:** SE Sherrett Street beginning about 157 feet west of the SE Grand Avenue right of way and running west to the Willamette River, and SE Umatilla Street beginning about 74 ft west of the Grand Avenue right of way and running west to the Willamette River
- Petitioner:** Bureau of Environmental Services (BES)
Tammy Cleys, 1120 SW 5th Ave, Room 110,
Portland, OR 97204; (503) 823-7641
- Purpose:** The request is being made pursuant to an agreement between BES and the Portland Rowing Club in exchange for the granting of easements for BES Sellwood Pump Station
- Neighborhood:** Sellwood – Moreland Improvement League
Matt Millenbach, Land Use/Planning Committee,
8210 SE 13th Avenue, Portland, OR 97202
millenbach@aol.com

SE Uplift
Anne Dufay, Executive Director, 3534 SE Main
Street, Portland, OR 97214; 503-232-0010
- Quarter Section:** 3830

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185
FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • www.portlandoregon.gov

Designation/Zone: **CMgq** (Mixed Commercial / Residential with Greenway - River General (g) and Greenway - River Water Quality (q) overlays)

II. FACTS

A. History and Background

The City of Portland - Bureau of Environmental Services (BES) has initiated the proposed vacation of portions of SE Sherrett St. and SE Umatilla St. pursuant to an agreement between BES and the Portland Rowing Club (PRC). The agreement states that BES will initiate the street vacation process as part of the overall consideration for the granting of easements to BES on PRC's property for the Sellwood Pump Station Project. The consolidation of property resulting from the vacation will enable PRC to more fully develop its property in the future. The vacation will also give PRC the ability to lease the riparian rights within the vacated area directly from the Oregon Department of State Lands for use as floating home moorage.

B. Concurrent Land Use Actions

The application is not associated with a concurrent land use action. It is pursuant to the granting of easements for a BES pump station.

C. The Transportation Element

SE Umatilla Street and SE Sherrett Street west of the Grand Avenue right of way are both classified as local streets (Street Design).

Both of the street segments proposed for vacation are unimproved and have steep grades sloping down toward the river.

The segment of SE Sherrett Street proposed to be vacated is designated as a Recreational Trail in the Zoning Code and would connect the Springwater Corridor (Trail) to the Willamette Greenway.

The Willamette Greenway runs north-south along the east side of the Willamette River across the Portland Rowing Club property between SE Sherrett and SE Umatilla and is designated a Recreational Trail in the Zoning Code. No greenway is constructed on the Portland Rowing Club property between SE Sherrett and SE Umatilla Street. However, the greenway is constructed north between SE Umatilla Street and SE Spokane Street and south between Sherrett Street and SE Spokane Street. The Willamette Greenway in this area is a riverfront pedestrian trail.

Bicycle classifications are shown on an attachment. There are no bikeway classifications on the street segments proposed for vacation. The Springwater Corridor (Trail) runs north-south within the Grand Avenue right of way adjacent to an active short line railroad. The Springwater Trail is designated an Off-street path. SE Umatilla is designated a City Bikeway from the east to the Springwater Trail. SE Sherrett has no bicycle classification.

D. Neighborhood Plan

The Sellwood-Moreland Neighborhood Plan includes a section called "the River's Edge" and an objective to strengthen and create connections between the neighborhood and the river.

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: The segment of SE Sherrett Street proposed for vacation is needed to provide recreational access for pedestrians consistent with the Zoning Code.

No transportation access is needed on either street segment to fulfill this policy.

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: Other than the need for recreational access on SE Sherrett Street, there is no need to preserve the existing rights of way for transportation functionality.

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: A recreational trail easement along both rights of way would preserve existing views.

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: Both of the rights of way proposed for vacation are basically street stubs which only provide access to adjoining properties.

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: A recreational trail easement along both rights of way would provide an opportunity for pedestrian access to the river and the Willamette Greenway.

B. Policy Considerations - Current and Future Need

Not relevant

C. Other Relevant Comprehensive Plan Policies (and/or Plans)

Policy 2.7. Willamette River Greenway Plan - Implement the Willamette River Greenway Plan which preserves a strong working river while promoting recreation, commercial and residential waterfront development along the Willamette south of the Broadway Bridge.

Policy 6.37 Southeast Transportation District, Objective D: Facilitate pedestrian access and safety in Southeast Portland by improving connections to the Willamette River.

Policy 8.11 Special Areas, Objective H - Willamette River Greenway: Protect and preserve the natural and economic qualities of lands along the Willamette River through implementation of the city's Willamette River Greenway Plan.

Comment: A recreational trail easement along both rights of way would provide an opportunity for pedestrian access to the river and the Willamette Greenway consistent with these additional policies of the Comprehensive Plan.

D. Zoning Code Considerations

Placing a recreational trail easement on both rights of way would be consistent with the Zoning Code designation of SE Sherrett Street as a recreational trail.

E. Subdivision Code Considerations

none

F. Improvement Considerations

none

G. Utility Considerations

There is a need for stormwater conveyance and outfall over the entirety of the vacated SE Umatilla Street right of way.

H. Neighborhood Issues

Placing a recreational trail easement on both rights of way would benefit the neighborhood and is consistent with the Sellwood-Moreland Neighborhood Plan.

I . Other Considerations

The Portland Rowing Club (PRC) was required to grant an easement for the Willamette Greenway Trail as a condition of approval in two separate land use cases. The first case, CU 91-75, identified the location of the easement to be "along the high water line" of the Willamette River. This condition was not enforced prior to or after approval of the plans submitted by PRC in 1975. The reason for this is unclear. At the time the City was negotiating with PRC in 2010 to acquire easements for the Sellwood Pump Station on PRC's property, the Bureau of Development Services (BDS) and Portland Parks & Recreation (PP&R) determined that the location identified in the 1975 land use decision was not feasible for a trail, as the elevation was too low to ensure that the trail would remain above water year-round. Therefore, the City decided it would not pursue enforcement of this condition.

The second case, LUR 92-00690 GW, granted approval for construction of a new houseboat within an existing houseboat moorage. The applicants were two individuals who were deedholders to slip #2 at the moorage. PRC, the owner of the upland parcel to which this case was tied, was not listed as a co-applicant. As

a condition of approval, an easement for the Willamette Greenway Trail "for a width of 25 feet, beginning at the ordinary high water line and running landward for 25 feet" was required. As with the 1975 case, this condition was not enforced prior to or after approval of the plans submitted by the applicant in 1992. At the time the City was negotiating with PRC in 2010 to acquire easements for the Sellwood Pump Station, the BDS and PP&R determined that the City would not pursue enforcement of this condition, as the applicants did not have the authority to bind PRC in the granting of an easement on PRC's property. There was also some question about the ability to enforce the condition in light of the Dolan proportionality test.

As a part of the City's agreement with PRC for the Sellwood Pump Station easements, the City agreed that it would not seek to enforce conditions of land use approvals in both of these cases regarding the granting of easements for the Willamette Greenway Trail across PRC's property. Given the circumstances in both of the prior land use cases, BDS and PP&R staff supported the agreement. City staff believe that when PRC undertakes development on their property, they will have to dedicate an easement and possibly construct the Willamette Greenway on their property.

V. STAFF RECOMMENDATION

The staff recommendation is **approval** of the vacation of the area as shown on Exhibit A ***with conditions***:

1. Bureau of Development Services: Grant an easement for a public recreational trail over the entirety of the vacated rights of way
2. Bureau of Environmental Services: Grant an easement for stormwater conveyance and outfall over the entirety of the vacated SE Umatilla Street right of way

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.

VI. EXHIBITS

- A. Area proposed for vacation (3 pages)
- B. Recreational Trails (Zoning Code)
- C. Bicycle Facilities (Transportation System Plan)

Bureau of Transportation Staff Planner:

Paul Smith, Transportation Planning Manager

503/823-7736

paul.smith@portlandoregon.gov

cc:

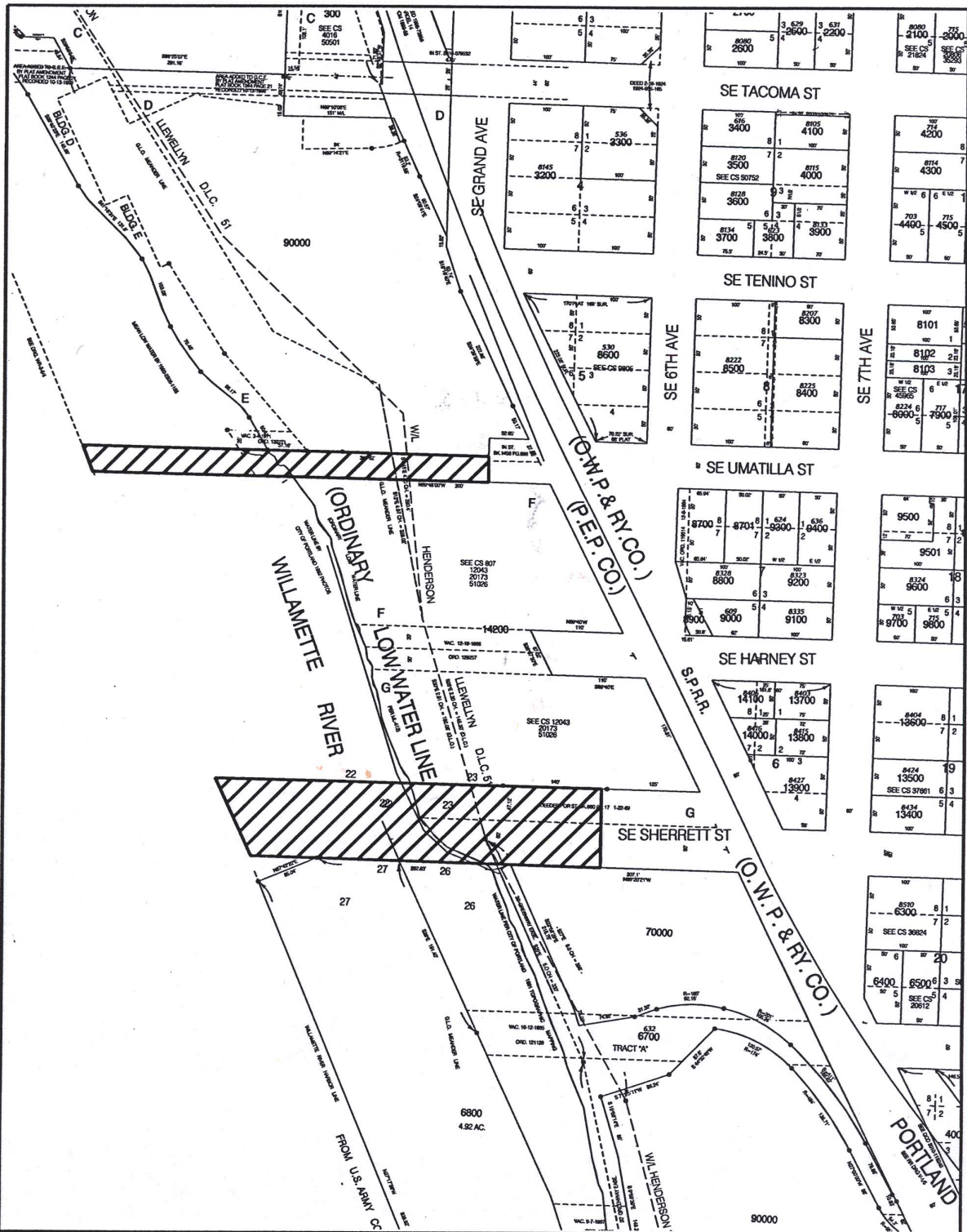
John Deyo, Right-of-Way Case Manager

Tammy Cleys , BES, Petitioner

Matt Millenbach, Sellwood – Moreland Improvement League

Anne Dufay, Southeast Uplift

Case File



SE SHERRETT STREET AND SE UMATILLA STREET WEST OF SE GRAND AVENUE

Petitioner: City of Portland, Bureau of Environmental Services

1/4 Section: 3830 Section: 1S1E23CC

 Area Proposed for Vacation



Scale: 1" to 200'



HARBOR LINE

PREVIOUSLY VACATED
PORTION OF UMATILLA ST.
AS PER ORD. 131764

S 88°25'24"E

S 88°25'24"E 553.86' S.E. UMATILLA ST.

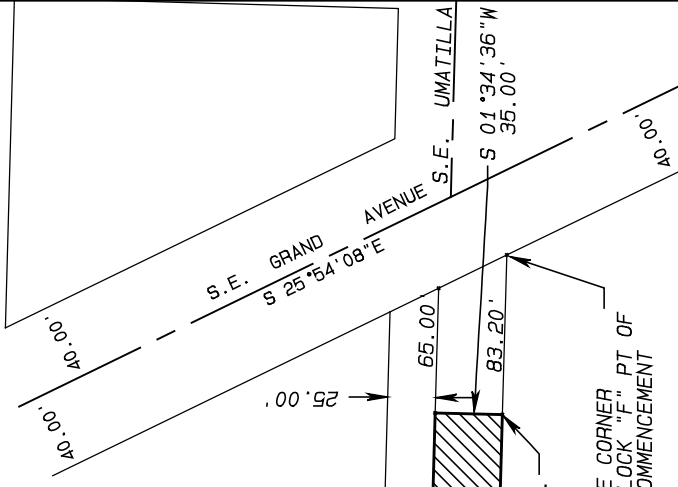
N 22°17'38"W
38.27'

N 88°25'24"W 538.37'

P.O.B.

NE CORNER
BLOCK "F" PT OF
COMMENCEMENT

AREA HEREIN VACATED
19,114 SQ. FT.



SCALE 1"=100'



CITY OF PORTLAND OFFICE OF
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SURVEY SECTION
1120 S.W. 5TH AVE. SUITE 800
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PHONE 503-823-7150

JOB NO. 58467
S.E. UMATILLA ST.
STREET VACATION EXHIBIT



HARBOR LINE

S.E. HARNEY ST.
N. 88°25'24"W. 30'

S. 25°54'08"E.
S.E. GRAND AVENUE

P.O.B.

S. 88°25'24"E. 523.61'

S.E. SHERRETT ST.

N. 88°25'24"W. 476.20'

N 22°17'38"W
117.14'

S 01°34'36"W
107.12'

PT OF
COMMENCEMENT

185.71'

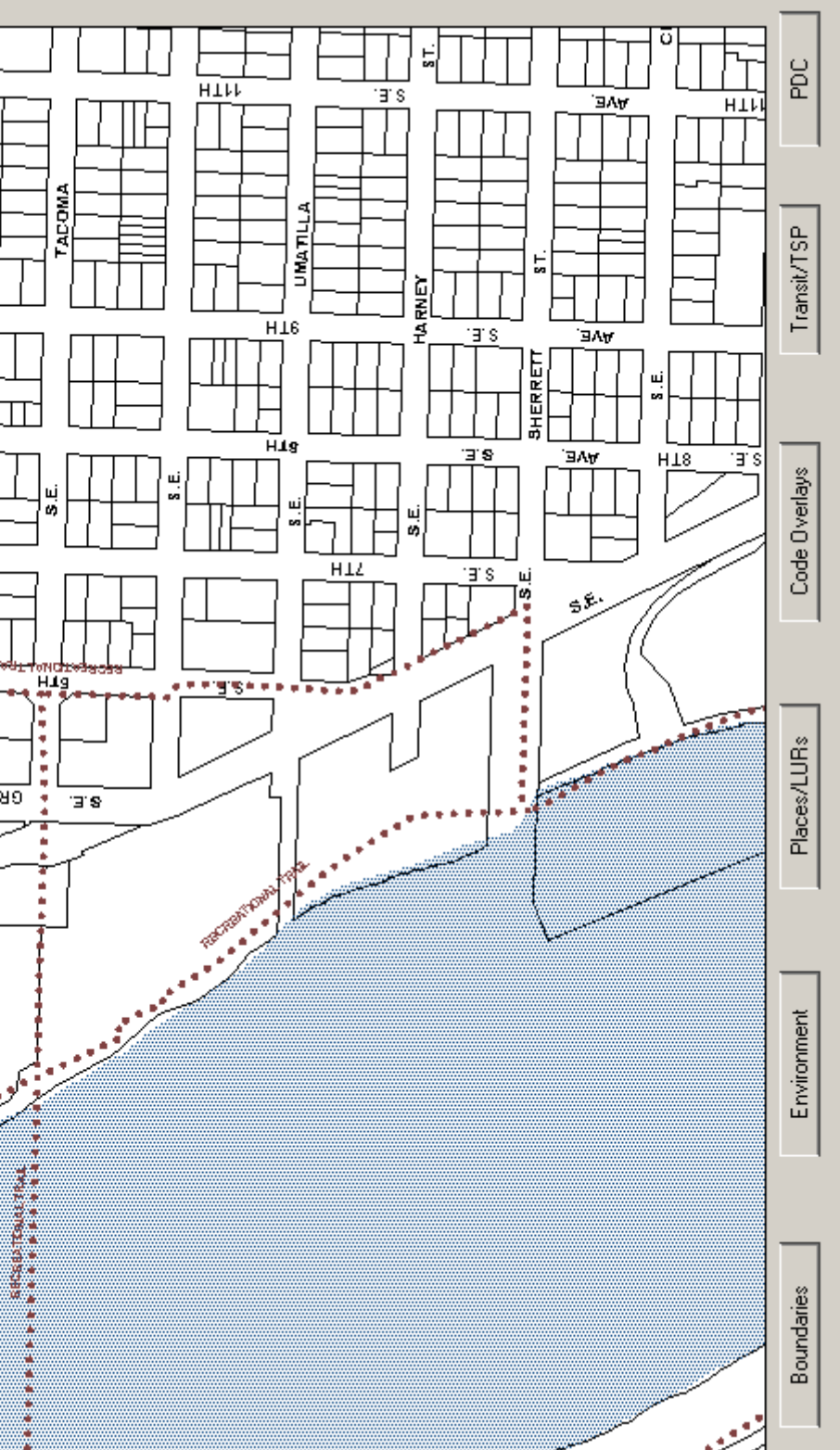
AREA HEREIN VACATED
53,550 SQ. FT.

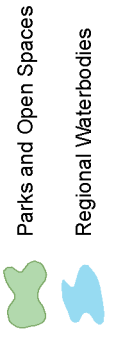
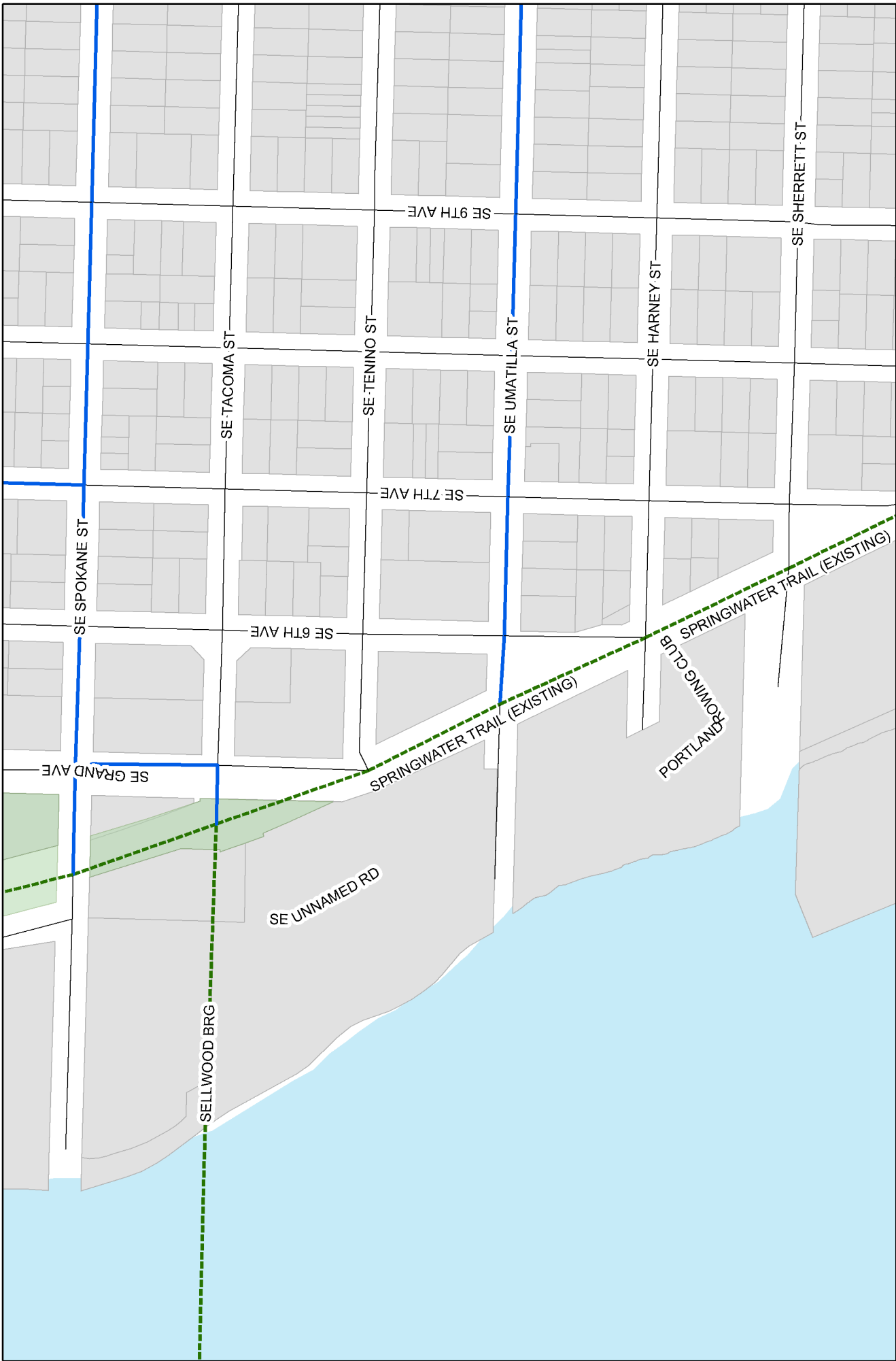
SCALE 1" = 100'



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JOB NO. 58467
S.E. SHERRETT ST.
STREET VACATION EXHIBIT





Bicycle Classifications

- City Bikeway
- - - Off-street Path
- Local Service Bikeway