

Steve  
Novick  
Commissioner

Leah Treat  
Director

**STAFF REPORT AND RECOMMENDATION  
TO THE PLANNING COMMISSION**

**FILE NUMBER: R/W #7560**

**IQ: #12-205615**

**N. ARGYLE STREET, EAST OF N. KERBY AVE**

**COMMISSION MEETING TO BE HELD**

**JANUARY 28, 2014**

**6:00 PM**

**1900 SW 4<sup>TH</sup> BUILDING, 2<sup>ND</sup> FLOOR, ROOM 2500 A**

**I. GENERAL INFORMATION**

**Street Vacation Request:**

**Petitioner:** City Initiated, Bureau of Environmental Services

**Purpose:** Consolidate property for remedial actions required by the Oregon DEQ due to contamination currently existing within the public ROW.

**Neighborhood:** East Columbia Neighborhood Association

**Quarter Section:** 2130 Section 1N1E10A

**Designation/Zone:** IHh

**Heavy Industrial zone**

This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance.

**Aircraft Landing (h) overlay zone**

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The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

## **II. EXECUTIVE SUMMARY & STAFF RECOMMENDATION**

The purpose for the vacation is to consolidate property in order for the property owner to continue with the remedial actions required by the Oregon DEQ due to contamination currently existing within the public ROW. The property owners, the tenant, DEQ and the Bureau of Environmental Services (BES) have been working together for a number of years to clean up the property. One side of the property has been remediated to DEQ standards (cover and fill). If the property owner were to remediate the public ROW a more expensive and involved city permit process would be required. The parties all agreed that vacating the street in order to remediate the property to the private property DEQ requirements was the best course of action in order to get the property cleaned up in a timely and cost effective manner. The city has determined there is not a need for a connection at this location, and the city does not want to have a contaminated ROW/street.

There are requirements by the City related to curb construction, storm drain relocation, and payments that must be met and are detailed in the conditions.

Transportation Planning Staff recommends **APPROVAL** of the street vacation request with conditions.

## **III. FACTS**

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

The property owners, the tenant, DEQ and the Bureau of Environmental Services (BES) have been working together for a number of years to clean up the property. One side of the property has been remediated to DEQ standards (cover and fill). If the property owner were to remediate the public ROW a more expensive and involved city permit process would be required. The parties all agreed that vacating the street in order to remediate the property to the private property DEQ requirements was the best course of action in order to get the property cleaned up in a timely and cost effective manner

## **B. Concurrent Land Use Actions**

There are no concurrent land use actions.

## **C. The Transportation Element**

The site is located in the North District of the Transportation System Plan. All of the streets are designed Local for all modes.

## **D. Neighborhood Plan**

There are no neighborhood plan considerations.

## **IV. 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:* This policy is met because the street proposed for vacation is in an industrial area that does not have the opportunity or connection to mixed use, residential or other activity areas. In addition, any connections would be to another contaminated site and ROW. The City does not want to connect to other contaminated sites.

#### **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:* This policy is met. The lack of established street patterns, the industrial nature of the area, combined with the contamination indicates that there is not an existing or future need of this ROW. Adding the curbing to the vacated portion of the ROW will allow the functional propose of the adjacent street to be maintained.

**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:* There are no scenic resources related to this street or street vacation.

This policy is met.

**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* This policy is met. This industrial area meets the connectivity policy especially with the existing industrial sites.

**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:* This policy is met. The site is not located in a pedestrian district and the street under consideration and other streets are all classified as Local for pedestrians. Adding the curb to the vacated area will delineate the existing street making it clear to pedestrians and drivers where the street ends and private property begins. The character of the area is industrial and this street vacation will not impact that character.

**B. Zoning Code Considerations**

None.

### **C. Subdivision Code Considerations**

None.

### **D. Improvement Considerations**

Under an agreement between the property owner, the City attorney and PBOT Permit Engineering, the property owner will pay a \$15,000 flat fee and the City will install the necessary curbing to delineate the abandoned ROW, remove the crown and regrade the existing street.

Under another agreement between the property owner, the City attorney, and BES, the City will abandon and relocate at its cost the existing storm water catch basin the N Argyle ROW. If the catch basin relocation has not been completed by the time the vacation goes into effect, the City will retain a temporary easement for the catch basin until it can be abandoned. The current catch basin and its location are no longer working. The City is responsible for relocated non functioning catch basins.

### **E. Other Considerations**

Pacific Power has facilities in the street area and will reserve an easement for overhead electrical transmission lines.

Northwest Natural has facilities in the street area and will reserve an easement.

### ***Neighborhood Issues***

None of the neighborhood associations contacted responded to the vacation proposal.

### **V. CONCLUSIONS**

Due to the contamination in the area and the number of years the property owners and other interested parties, vacating the street in order to continue the remediation in a timely and cost effective manner is in the best interest of the City and the property owner. Vacating the proposed area allows that to happen.

### **VI. TENTATIVE STAFF RECOMMENDATION**

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

1. The property owner will pay a \$15,000 flat fee and the City will install the necessary curbing to delineate the abandoned ROW, remove the crown and regrade the existing street.
2. The City will abandon and relocate at its cost the existing storm water catch basin the N Argyle ROW. If the catch basin relocation has not been completed by the time the vacation goes into effect, the City will retain a temporary easement for the catch basin until it can be abandoned.
3. Reserve an easement for over head electrical transmission lines which are Pacific Power facilities.
4. Reserve an easement for Northwest Natural facilities.

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.

## **VII. EXHIBITS**

- A. Area proposed for vacation
- B. Aerial photo of street vacation area
- C. Zoning Map
- D. Photos
  - D.1 Catch basin to be moved
  - D.2 Vacation request area

### **Staff Planner**

Courtney Duke, Senior Transportation Planner  
phone: 503/823-7265  
email: courtney.duke@portlandoregon.gov

cc:

Karl Arruda, Right-of-Way Case Manager  
Petitioner(s) – BES  
Neighborhood Association

District Coalition  
Other interested parties  
Case File

# Area Proposed to be Vacated



## N Argyle Street east of N Kerby Avenue

Petitioner: City of Portland, BES

Area Proposed to be Vacated



Qtr. Section: 2130 Section: 1N1E10A

1 inch = 100 feet

# Exhibit A




# Area Proposed to be Vacated



## N Argyle Street east of N Kerby Avenue

Petitioner: City of Portland, BES

Qtr. Section: 2130 Section: 1N1E10A

 Area Proposed to be Vacated



1 inch = 100 feet

# Exhibit B

# PortlandMaps

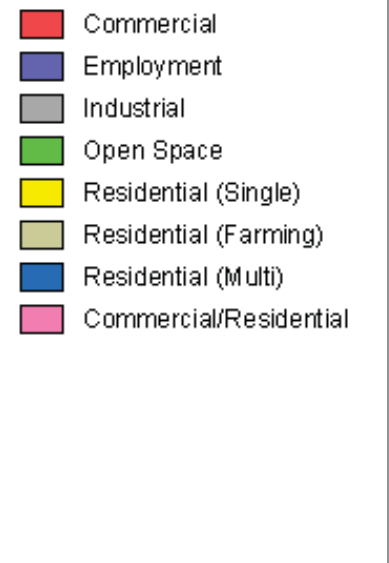
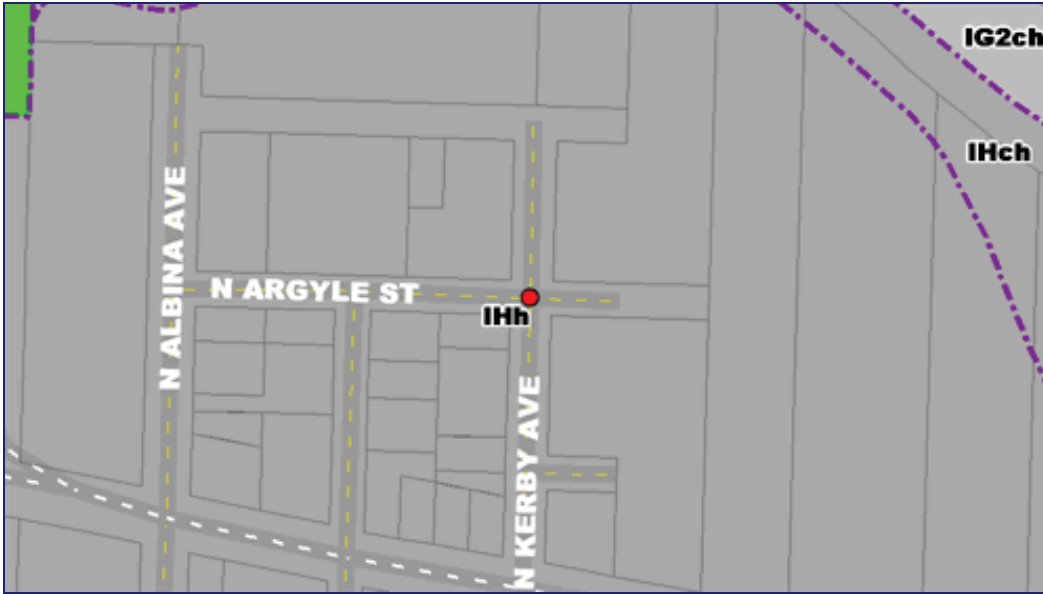
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N ARGYLE ST & N KERBY AVE - MC UNCLAIMED 1 - PORTLAND

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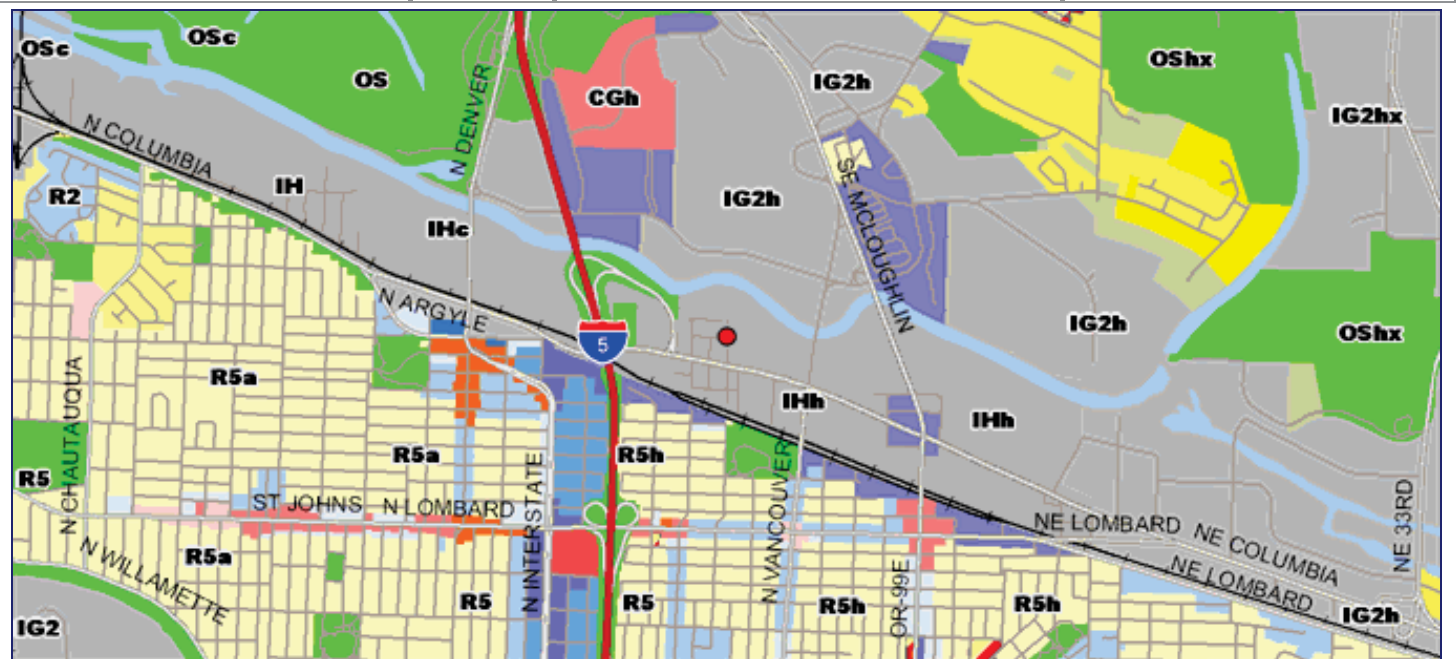
[Summary](#) | [Benchmarks](#) | [Businesses](#) | [Elevation](#) | [Fire](#) | [Hazard](#) | [Photo](#) | [Property](#) | [Tax Map](#) | [UGB](#) | [Walkability](#) | [Zoning](#) | [Zip Code](#) | [Public Art](#)

## Zoning



0 | 300 FT

Zone	)	Plan District
Overlay		NRMP District
Comp Plan		Historical Resource Type
Comp Plan Overlay		Historic District
Zoning Map	<a href="#">2129</a>	Conservation District
Urban Renewal Area		<a href="#">Wellhead Protection Area</a> <b>No</b>



0 | 3000 FT

## Exhibit C



Exhibit D1



Exhibit D2