

Steve
Novick
Commissioner

Leah Treat
Director

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

FILE NUMBER: R/W #7511

COMMISSION MEETING TO BE HELD 12:30 PM, APRIL 8, 2014

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

I. GENERAL INFORMATION

Street Vacation Request: A portion of SW Moody Avenue north of the Ross Island Bridge

Petitioner: Street vacation initiated by ZRZ Realty Company. The Petitioner's representative is Ryan Schera at Mackenzie, 503-224-9560 x384.

Purpose: Purpose is to vacate remnant right-of-way left after the recent reconstruction of SW Moody Ave.

Neighborhood: South Portland Neighborhood Association
William Danneman, Transportation/Traffic Chair
623 SW Caruthers Street
Portland, OR 97201
503-228-9868

Southwest Neighborhoods Inc. (SWNI)
Leonard Gard, Program Manager
7688 SW Capitol Highway
Portland, OR 97219
leonard@swni.org
503-823-4952

Quarter Section: 3329, 3330

Designation/Zone: CXdCC, Central Commercial zone with a Design overlay, in the Central City Plan District.

1120 SW Fifth Avenue, Suite 800 • Portland, OR 97204 • 503-823-5185
FAX 503-823-7576 • TTY 503-823-6868 • www.portlandoregon.gov/transportation

II. FACTS

A. History and Background

In 2010 – 2011, SW Moody Avenue was completely reconstructed between SW Sheridan Street and SW Gibbs Street. The new roadway is elevated as much as 14' above the former grade, and includes three motor vehicle travel lanes, two streetcar tracks, two sidewalks, and one bi-directional bicycle facility. The new design shifted the roadway to the west; as a result there is remnant right-of-way to the east of Moody Ave that is no longer used for transportation purposes. This proposal will vacate a portion of that remnant right-of-way.

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

The proposed street vacation site is part of the Central City Transportation Management Plan, a component of the Transportation System Plan. No policies relate to the site or the street vacation request.

SW Moody Avenue is classified as a Traffic Access Street, a Transit Access Street, a City Bikeway, a Central City Transit/Pedestrian Street, a Local Service Truck Street, a Community Main Street, and a Major Emergency Response Street.

D. Neighborhood Plan

The proposed vacation area lies within the Central City Plan District – South Waterfront Subdistrict. The Central City Plan was adopted by City Council in March 1988. Policy 4 of the Central City Plan addresses transportation issues and goals. This policy states its goal as being to “improve the Central City’s accessibility to the rest of the region and its ability to accommodate growth, by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and enhancing the City’s livability.” The proposed street vacation area is not in conflict with the goals or elements of the Central City Plan policies.

The South Waterfront Street Plan, Criteria and Standards (Street Plan) established the future street grid for the South Waterfront District. The Street Plan was updated in 2009 to reflect the Locally Preferred Alternative for the Portland-Milwaukie Light Rail project, and the anticipated reconstruction and realignment of SW Moody Ave. The proposed vacation is consistent with the updated Street Plan, and will not impact future construction of SW Grover Street, SW Woods Street, or SW Porter Street.

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 proposal will vacate a portion of right-of-way no longer used for a transportation function, and will not impact the construction of future streets identified in the Street Plan. This policy is met.

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: SW Moody at the location of the proposed vacation is fully improved to City standards, and the remnant right-of-way is no longer used for transportation purposes. The proposed vacation will have no impact on the transportation function of any nearby street, and will not impact the construction of future streets identified in the Street Plan. This policy is met.

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 site 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: The proposal will vacate a portion of right-of-way no longer used for a transportation function. The proposal will not impact the construction of future streets identified in the Street Plan, which will meet the connectivity objectives when built. This policy is met.

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: The right-of-way proposed for vacation is adjacent to a fully improved street, and is no longer used for transportation purposes. This policy is met.

B. Neighborhood Plan considerations

The South Waterfront Street Plan, Criteria and Standards (Street Plan) established the future street grid for the South Waterfront District. The Street Plan was updated in 2009 to reflect the Locally Preferred Alternative for the Portland-Milwaukie Light Rail project, and the anticipated reconstruction and realignment of SW Moody Ave. The proposed vacation is consistent with the updated Street Plan, and will not impact future construction of SW Grover Street, SW Woods Street, or SW Porter Street.

C. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

E. Improvement considerations

Notification of the proposed vacation was sent to relevant public and private entities that may own or maintain physical improvements within the public right-of-way.

The following divisions within the Bureau of Transportation have no objection to the proposed vacation: Development Review; Planning, Policy and Projects; Active Transportation; Permit Engineering; Systems Management.

The following divisions within the Bureau of Transportation provided comments related to the proposed vacation:

Signals and Street Lighting maintains a wood pole with a streetlight in the proposed vacation area (ID# D11-10A/103). This pole shall be removed by Portland General Electric at the expense of the Petitioner and returned to the City of Portland.

Bridges and Structures maintains the retaining wall that supports the SW Moody Ave roadway. An 8-foot access easement is required from the face of the wall.

The following City bureaus have no objection to the proposed vacation: Bureau of Development Services, Water Bureau, Fire Bureau, Bureau of Parks and Recreation, Urban Forestry Division.

The Bureau of Environmental Services (BES) maintains facilities in the area. BES requires a 20-foot wide sewer easement over the existing 42-inch combined sewer pipe. In addition, ownership of all abandoned sewers, inlets, and other related storm sewers shall be transferred to the property owner. The 12" storm sewer out of MH APX 988 will be a private service lateral rather than a public sewer main. Storm connections to MH API 058 shall be a private service lateral in the public right-of-way.

The following local agencies have no objection to the proposed vacation: Oregon Department of Transportation, Port of Portland, TriMet.

Portland General Electric has no objection to the proposed vacation.

Pacific Power and Light, CenturyLink, Northwest Natural, and Comcast Cable have facilities in the area and require access easements.

F. Other Considerations

Neighborhood issues.

The South Portland Neighborhood Association and Southwest Neighborhoods, Inc. were notified of the street vacation process and request. No objections to the proposal were submitted.

IV. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of

the street vacation will not affect the functional performance of the street system in the area.

V. TENTATIVE STAFF RECOMMENDATION

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

Prior to recording of the street vacation ordinance, the Petitioner shall:

1. Arrange for the removal of the wood pole and streetlight with ID# D11-10A/103. The pole shall be removed by Portland General Electric at the expense of the Petitioner and returned to the City of Portland.
2. Provide an access easement per the Bureau of Transportation, Bridges and Structures Division.
3. Provide a sewer easement per the Bureau of Environmental Services.
4. Transfer ownership of abandoned sewers, inlets, laterals and related storm sewers per the Bureau of Environmental Services.
5. Provide utility easements for Pacific Power, CenturyLink, Northwest Natural, and Comcast Cable.

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

1. Map of Area Proposed for Vacation
2. Aerial Photo of Area Proposed for Vacation With Approximate Sewer Easement.

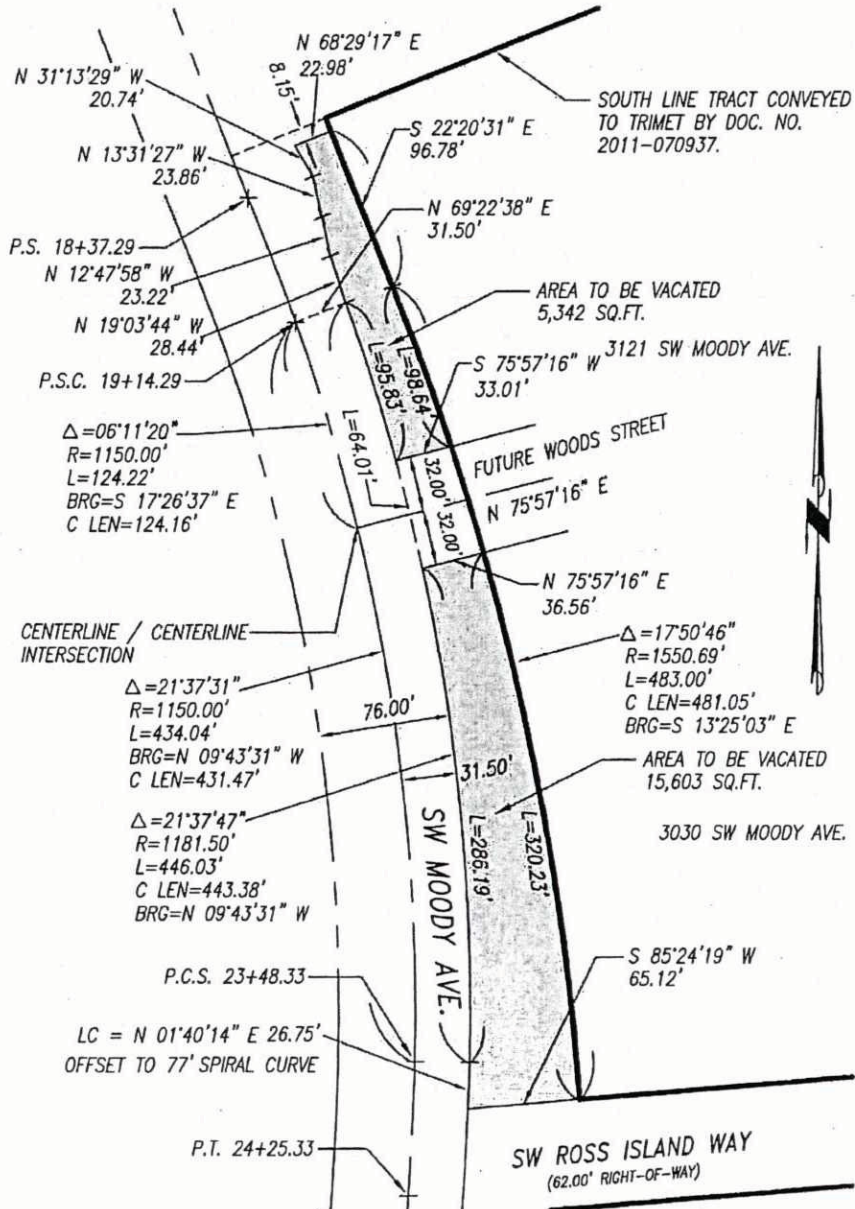
Staff Planner – Grant Morehead, AICP
Phone: 503-823-9707
Email: grant.morehead@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager
William Danneman, South Portland Neighborhood Association
Leonard Gard, Southwest Neighborhoods Inc.

EXHIBIT 1

S.W. MOODY AVE. VACATION

A PORTION OF THE NE 1/4 AND THE NW1/4, SECTION 10,
T. 1 S., R. 1 E., W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



OLSON LAND SURVEYORS
ENGINEERS
ENGINEERING INC. 1111 BROADWAY, VANCOUVER, WA 98660
1-360-695-1385
1-503-289-9936

