

Steve
Novick
Commissioner

Leah Treat
Director

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

FILE NUMBER: R/W #7720

COMMISSION MEETING TO BE HELD 6:00 PM, JUNE 24, 2014

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

I. GENERAL INFORMATION

Street Vacation Request: A portion of an unnamed street north of N Schmeer Road

Petitioner: Street vacation initiated by Hayden Meadows Joint Venture. The Petitioner's representative is Lamont D. Smith, 503-241-1111.

Purpose: Purpose is to vacate an unimproved right-of-way north of N Schmeer Road to consolidate property for future development.

Neighborhood: Kenton Neighborhood Association
Steven Rupert, Land Use/Planning Chair
8105 N Brandon Ave.
Portland, OR 97217

North Portland Neighborhood Services
Mary Jaron Kelley, Land Use Chair
2209 N Schofield Street
Portland, OR 97217

Quarter Section: 2128

Designation/Zone: IG2, General Industrial 2.

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

The proposed vacation area was dedicated to the City as right-of-way in 1941. It has never been improved. The Petitioner is requesting the vacation in order to consolidate property on either side of the right-of-way prior to redevelopment. The Petitioner expects development to commence in approximately 3-5 years.

In late 2014 or early 2015, the Oregon Department of Transportation (ODOT) will begin a project to re-construct the intersection of N Schmeer Road and N Denver Avenue. As part of the project, the intersection will be shifted to the north, and a portion of Schmeer Rd will be re-aligned accordingly. ODOT requested that the southerly 50 feet of the Unnamed Road be retained as right-of-way to accommodate this shift; the Petitioner modified their original request to reflect ODOT's needs.

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

The proposed street vacation site is unimproved right-of-way; there are no policies or classifications for this area in the Transportation Element.

D. Neighborhood Plan

The proposed vacation is defined as an Impact Area in the Albina Community Plan (ACP). The ACP defined Impact Areas as significant "mainly because of the employment opportunities they provide for the Albina Community population." No policies or goals of the ACP directly relate to the proposed street vacation.

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 unimproved right-of-way between I-5 and N Denver Ave. N Denver Ave crosses the Columbia Slough to the south and leads to Kenton Town Center. On the east side of I-5, N Whitaker Road provides access to Delta Park and the Hayden Meadows shopping center. 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: The right-of-way is unimproved and is adjacent to I-5. The proposed vacation will not alter street patterns or functionality. 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 proposed vacation lies on the west side of I-5. Any potential future improvements to the right-of-way could not cross the freeway nor provide any connectivity gains. 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 proposed vacation is unimproved right-of-way with no pedestrian access. Access to nearby commercial and residential areas is provided by the existing street network. This policy is met.

B. Neighborhood Plan considerations

There are no neighborhood plan considerations.

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 Portland Bureau of Transportation (PBOT) have no objection to the proposed vacation: Planning, Policy and Projects; Active Transportation; Transportation Systems Management; Street Lighting; Bridges and Structures; Permit Engineering.

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

Development Review: The existing fence shall be moved out of the remaining right-of-way south of the area being vacated; otherwise, an encroachment permit must be obtained from PBOT.

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, Bureau of Environmental Services.

The Port of Portland and the Oregon Department of Transportation have no objection to the proposed vacation.

TriMet was notified of the proposed vacation but did not submit a response.

Portland General Electric, CenturyLink, and Northwest Natural have no objection to the proposed vacation.

Pacific Power and Light has facilities in the area and requires an access easement.

Comcast Cable was notified of the proposed vacation but did not submit a response.

F. Other Considerations

Neighborhood issues.

The Kenton Neighborhood Association and North Portland Neighborhood Services were notified of the street vacation process and request. No responses 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. Remove the existing fence or obtain an encroachment permit per the Bureau of Transportation, Development Review section as detailed in Section III.E. above.

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.

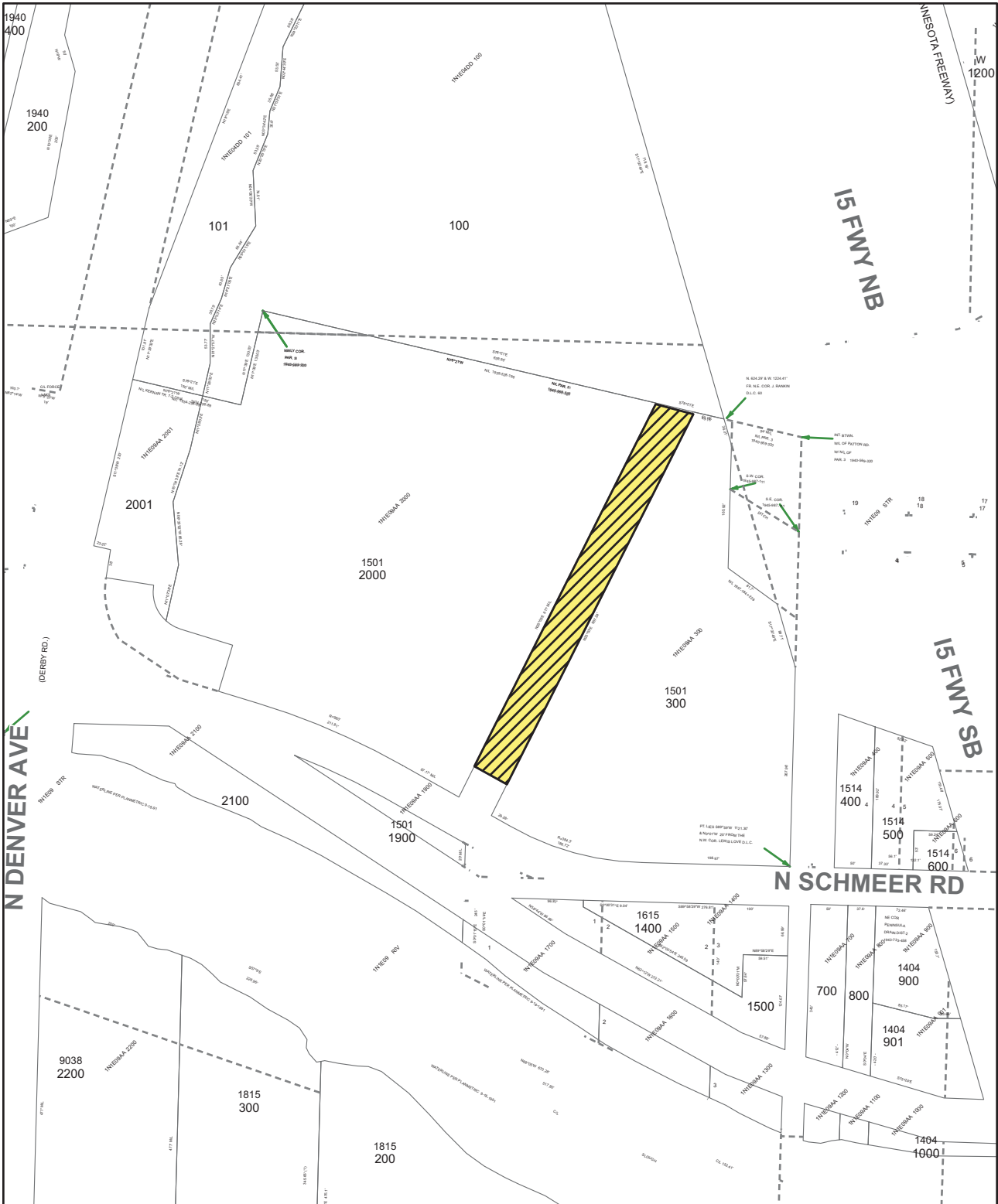
VI. EXHIBITS

1. Map of Area Proposed for Vacation
2. Aerial Photo of Area Proposed for Vacation

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

cc: Karl Arruda, Right-of-Way Case Manager
Steven Rupert, Kenton Neighborhood Association
Mary Jaron Kelley, North Portland Neighborhood Services

Exhibit 1




Unnamed Street north of N Schmeer Road

Petitioner: Hayden Meadows Joint Venture

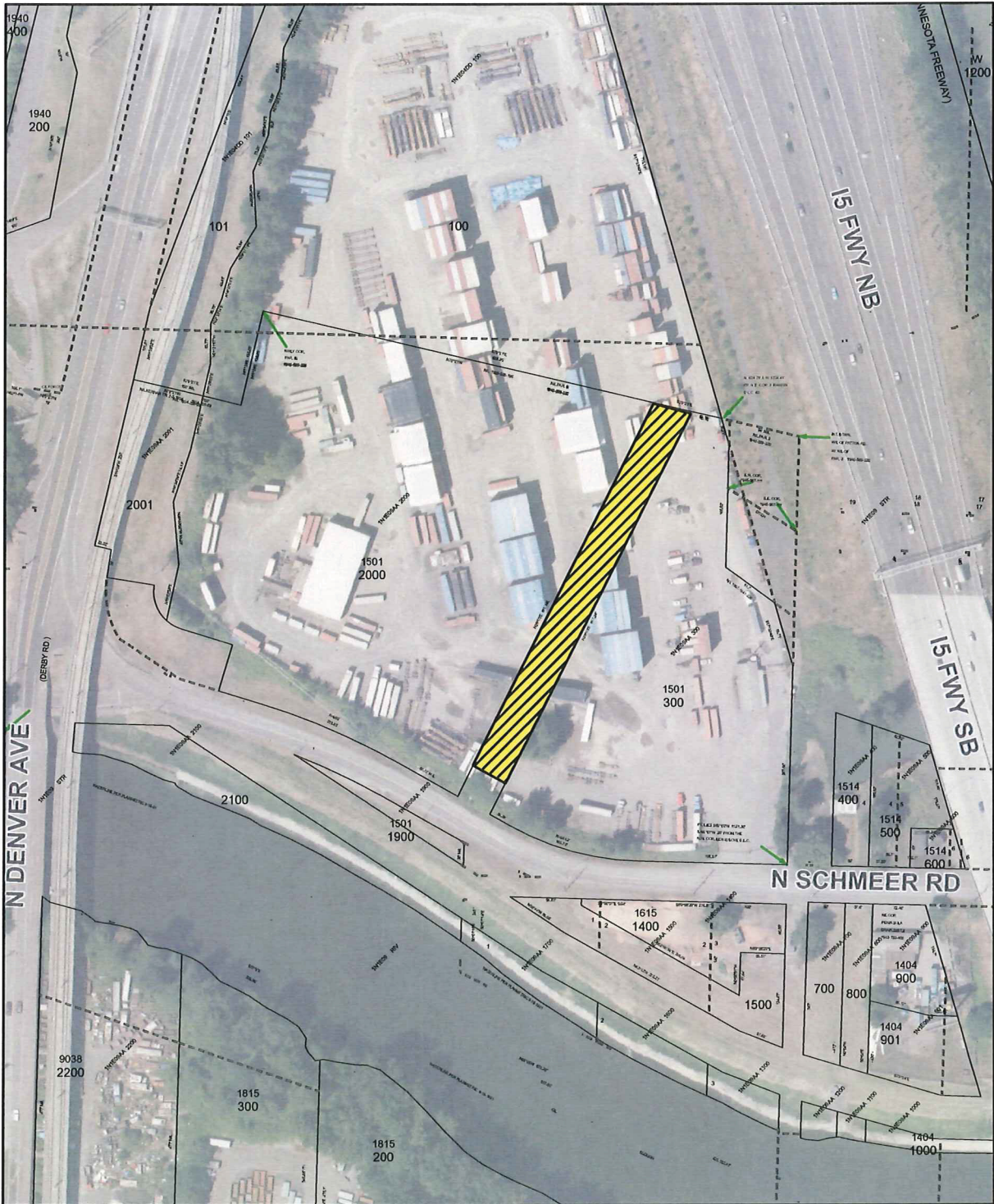
R/W: 7720

1/4 Section: 2128 State ID #: 1N1E09AA

 Area Proposed for Vacation



1 inch = 200 feet




Unnamed Street north of N Schmeer Road

Petitioner: Hayden Meadows Joint Venture

R/W: 7720

1/4 Section: 2128 State ID #: 1N1E09AA

 Area Proposed for Vacation



1 inch = 200 feet