

1120 SW Fifth Ave, Suite 1331, Portland OR 97204

Phone: 503-823-4000 Portland.gov/Transportation

Mingus Mapps Commissioner Millicent Williams Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NUMBER: R/W #9193

COMMISSION MEETING TO BE HELD: 06/11/2024

I. GENERAL INFORMATION

Street Vacation Request: SE Madison St, between SE 71st and SE 72nd Ave

Petitioner: Jeffrey L. Kleinman, (503) 248-0808; KleinmanJL@aol.com – attorney for applicant
Charlie Dustin/Katherine Reed, (503) 254-8748 – applicant/owner

Purpose: The applicants propose to vacate the area consisting of the extremely steep, vegetated right-of-way of SE Madison Street from SE 72nd Avenue westward to SE 71st Avenue, where it terminates at the base of Mt. Tabor Park. The area is completely undeveloped and is too steep for the installation of a public street. At the present time (and for several preceding years), it has served only as the location for unlawful activities which necessitate clean up by the applicants where the right-of way to be vacated intersects with SE 71st.

Neighborhood: Mt. Tabor

State ID: R283287, R283288

Designation/Zones: R5



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

II. FACTS

A. History and Background

Jeffrey L. Kleinman, on behalf of Charlie Dustin and Katherine Reed, is applying to vacate a segment of right-of-way (ROW) on **SE Madison St**, between SE 71st and SE 72nd Ave.

The applicants own the residential properties on both sides of the area to be vacated, and have a home on each. The stated purpose for the proposed street vacation is to consolidate property for future development, which is consistent with current zoning (R5) and Petitioners wish to eliminate an area presently subject to vandalism and littering. The goal is to be able to create an additional buildable lot to achieve city density objectives.

The site is located in the Mt. Tabor neighborhood and the zoning is designated as a **Residential 5,000 Zone (R5)**. R5 is a single-dwelling residential zone generally developed with detached single-family residences and some attached single-family residences and duplexes.

B. Concurrent Land Use Actions

Not applicable for this site.

C. The Transportation Element

In the 2035 Transportation System Plan (TSP), the right-of-way proposed for street vacation on SE Madison St is classified as a local service street—Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Walkway, Local Service Truck Street, Minor Emergency Response, and Local Street Design. The following describe the TSP classifications for the other adjacent and parallel streets.

	<i>Adjacent Street 1</i>	<i>Adjacent Street 2</i>	<i>Parallel Street</i>
Street Name	<i>SE 71st Ave</i>	<i>SE 72nd Ave</i>	<i>SE Main St</i>
Traffic	Local Service Traffic Street	Local Service Traffic Street	Local Service Traffic Street
Transit	Local Service Transit Street	Local Service Transit Street	Local Service Transit Street
Bicycle	Local Service Bikeway	Local Service Bikeway	Local Service Bikeway
Pedestrian	Local Service Walkway	Neighborhood Walkway	Local Service Walkway (west of 72 nd Ave), Neighborhood Walkway (east of 72 nd Ave)
Freight	Local Service Truck Street	Local Service Truck Street	Local Service Truck Street
Emergency	Minor Emergency Response	Minor Emergency Response	Minor Emergency Response
Design	Local Street	Local Street	Local Street

D. Neighborhood Plan

The area proposed for vacation is not explicitly identified in a neighborhood plan.

III. APPROVAL CRITERIA FINDINGS

1. *City Code 17.84.025 Approval Criteria for Vacating Streets*

A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:

The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.

Comment: The right-of-way proposed to be vacated has not been identified in any adopted plans for public services, transportation functions, utility functions, view corridors or viewpoints, pedestrian amenities, or community or commercial uses. **The right-of-way proposed for street vacation is not needed presently.**

2. *The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints.*

Comment: The proposed vacation does not prevent the extension of, or retention of, public services, transportation functions, utility functions, subject to the conditions identified in Section IV below. The vacated area is not identified as a view corridor or viewpoint. The vacation is supportive of present and future stormwater functions. **The right-of-way proposed for vacation should meet the criteria of approval outlined by commenting parties in Section IV. This criterion is met.**

3. *Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.*

Comment: The existing land use and transportation pattern in the area around the proposed street vacation supports the orderly and efficient manner of potential future extension of public services, transportation functions, and utilities. **The right-of-way proposed for vacation should meet the criteria of approval outlined by commenting parties in Section IV. This criterion is met.**

4. *The vacation does not impede the future best use, development of, or access to abutting property.*

Comment: The right-of-way proposed for vacation do not provide access points for abutting properties. Both residential properties on either side of the ROW are already provided access off SE 72nd Ave. The areas proposed for vacation do not impede the future best use, development of, or access to abutting property. **This criterion is met.**

5. *The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section [17.88.040 Through Streets](#).*

Comment: The area proposed for vacation includes a right-of-way that is not considered a through streets and is not identified as needed in the future to serve an interconnected system of public streets. **This criterion is met.**

IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

The following bureaus and agencies reviewed the proposed street vacation request which is subject to the following identified conditions:

Commenting Party	Response Date	Comments / Conditions
City Bureaus / Departments Notified:		
Right-of-Way Acquisition Lance Lindahl	2/15/24	Petition Certified
PBOT Development Review Tammy Boren-King Tammy.Boren-King@portlandoregon.gov	5/2/24	No objection subject to the following conditions: 1) SE 71 st Ave: Sufficient right-of-way must be retained to provide to provide an overall 8-ft wide sidewalk corridor as measured from face of existing curb. This is consistent with the improvement required at 1504 SE 71 st Ave via public works alternative review 12-133094-LU. 2) SE 72 nd Ave: Sufficient right-of-way must be retained to align with the existing property lines of the abutting lots on either side of the area to be vacated.
PBOT Transportation Planning Ari Del Rosario	3/29/24	No objection.
PBOT Permit Engineering Chris Wier	5/6/24	No objection.
PBOT Trans Systems Management Rick Nys	2/29/24	No objection.
PBOT Active Transportation Roger Geller	3/26/24	No objection.
PBOT Bridges and Structures Cameron Glasgow	3/1/24	No objection.
PBOT MO Street Systems Michael Magee	3/26/24	No objection.
PBOT Signals, Street Lighting, ITS Charles Radosta	2/29/24	No objection.
PBOT Parking Control Peter Wojcicki	2/29/24	No objection.
BDS/Land Division Kate Green	4/4/24	No objection. <u>Note Only:</u> Completion of the vacation process alone will not result in the creation of a separate buildable lot. A replat or lot line adjustment would need to occur.

Commenting Party	Response Date	Comments / Conditions
BDS/Addressing Viktor Palchey	4/1/24	No objection.
Bureau of Environmental Services Ella Ruth	4/4/24	No objection.
Portland Water Bureau Kris Calvert	4/2/24	No objection.
Portland Fire & Rescue Dawn Krantz	3/4/24	No objection.
Portland Parks & Recreation Adena Long	3/26/24	No objection.
PP&R Urban Forestry Daniel Gleason	4/2/24	No objection.
BTS Corporate GIS Paul Cone	3/8/24	No objection.
Planning Commission	Pending	Response pending review by the Planning Commission.
Neighborhood Associations Notified:		
Mt. Tabor Neighborhood Association Nadine Fielder, Secretary	3/24/24	Voted to support the street vacation at its March 20, 2024 meeting.
Southeast Uplift District Association	NA	No response.
Local Agencies Notified:		
ODOT Region 1 Melissa Gonzalez-Gabriel	3/1/24	No objection.
Port of Portland Lewis Lem	3/26/24	No objection.
TriMet Nick Stewart	3/1/24	No objection.
Public Utilities Notified:		
PGE Rebecca Stark	3/5/24	No facilities in vacation area.
Pacific Power Scott Mease	3/11/24	Outside of service area.

Commenting Party	Response Date	Comments / Conditions
CenturyLink/LUMEN Tom Hoopes	3/20/24	No objection.
Northwest Natural Marlyse McKenzie (SE)	NA	No response.
Comcast Cable Peter Calo	3/1/24	No facilities in vacation area.

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Mt. Tabor Neighborhood Association, and the Southeast Uplift District Association. The Southeast Uplift District Association did not respond.

The Mt. Tabor Neighborhood Association (MTNA) reviewed the street vacation application. Representatives of the MTNA visited the site and spoke with the individual who owns the property on both sides of the proposed street vacation. The MTNA formally voted to support the street vacation at the MTNA's regular monthly meeting on March 20, 2024.

VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Approval of the street vacation is not anticipated to affect the functional performance of the street system in the Mt. Tabor area.

VII. TENTATIVE STAFF RECOMMENDATION

The staff recommendation is **approval** of the vacation of the area shown on Exhibit 2, with conditions:

- Prior to recording the street vacation ordinance, **the Petitioner shall comply with all conditions set forth in Section IV above.**

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.

VIII. EXHIBITS

1. [Transportation Analysis](#)
2. [Vicinity Maps](#)
3. [Area Proposed for Vacation](#)
4. [Project Overview](#)
5. [Site Detail](#)
6. [Site Photos](#)

Report prepared by:

Portland Bureau of Transportation Staff Planner

Ari Del Rosario

(971) 469-5875

ari.delrosario@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager

Exhibit 1: Transportation Analysis



August 8, 2018

Jeffrey L. Kleinman Attorney at Law
Attention: Jeffrey L. Kleinman
1207 SW 6th Avenue
Portland, Oregon 97204

Re: **Vacation of SE Madison Street Right-of-Way – Portland, Oregon**

Transportation Impact Analysis

PBOT Case File IQ# 13-149705
C&A Project Number 20150605.00

Dear Mr. Kleinman:

This transportation analysis supports the proposed vacation of the SE Madison Street right-of-way between SE 71st and 72nd Avenues in Portland, Oregon. Based on the *Right-of-Way Acquisition Section City of Portland – Street Vacation Checklist*, conversations with Bob Haley of the Portland Bureau of Transportation indicate the current condition (i.e., without construction of the roadway) does not meet current spacing standards for connectivity and a limited traffic study is necessary to analyze the benefit to area circulation gained by improving the street. As such, the following are addressed in this analysis:

1. Existing Condition
2. Standards
3. Transportation System Evaluation
4. Summary

1. EXISTING CONDITION

The subject portion of the SE Madison Street right-of-way is located between SE 71st and 72nd Avenues on the east side of Mt. Tabor. The right-of-way is currently undeveloped and is located between two single-family residential properties. The nearest roadway connections between SE 71st and 72nd Avenues are SE Main Street to the north and SE Mountain View Drive to the south which are approximately 1,250 feet apart. The area is fully developed with single-family residences and both SE 71st and 72nd Avenues are low-volume residential roadways.

At the SE Madison Street right-of-way location, the distance between the SE 71st and SE 72nd Avenue rights-of-way is approximately 165 feet measured along the right-of-way centerline. There is significant elevation change between the roadways (at least 30 feet based on USGS topographic mapping) and construction of SE Madison Street at this location would result in a greater than 20% roadway grade.

1582 Felters Loop, Eugene, Oregon 97402 | 541-579-8315 | cclemow@clemow-associates.com

EA 18 - 221166A PPT

2. STANDARDS

Based on City of Portland design criteria, the maximum street grade for a local service street such as SE Madison Street should be 18% for asphalt pavement and 22% for concrete pavement. At this location, a street design with necessary grade breaks and vertical curvature will have an anticipated grade exceeding 20% – and possibly even 22%. The resulting roadway grade may also preclude the ability to have residential driveway access.

Based on the City of Portland Transportation System Plan (TSP), the block spacing standard is 530 feet for motor vehicle connectivity and 330 feet for bicycle/pedestrian connectivity except where prevented by barriers such as topography.

3. TRANSPORTATION SYSTEM EVALUATION/DISCUSSION

SE Madison Street does not currently exist between SE 71st and SE 72nd Avenues and a roadway at this location would have a very steep grade discouraging motor vehicle, bicycle and emergency vehicle travel. In fact, the existing section of SE Main Street to the north between SE 71st and SE 72nd Avenues, which has a lesser grade, is steep enough to discourage both motor vehicle and bicycle travel. As such, construction of a roadway at this location is not anticipated to provide useful connectivity or reduce out-of-direction travel.

Pedestrian connectivity to origins/destinations outside of the immediate neighborhood, including Mt. Tabor Park, is currently provided from both SE Main Street and SE Mountain View Drive. Pedestrian connectivity between SE 71st and SE 72nd Avenues at SE Madison Street would provide a small benefit for a limited number of users.

Overall, a roadway at this location is not necessary and the resulting grade would be so steep as to discourage motor vehicle, bicycle and emergency vehicle travel with little public benefit.

4. SUMMARY

Materials contained in this analysis support the vacation of the SE Madison Street right-of-way between SE 71st and 72nd Avenues. A roadway constructed at this location would have a very steep grade (a topographical barrier) discouraging motor vehicle, bicycle and emergency vehicle travel. As such, construction of a roadway at this location is not practical and is not anticipated to provide useful connectivity or reduce out-of-direction travel.

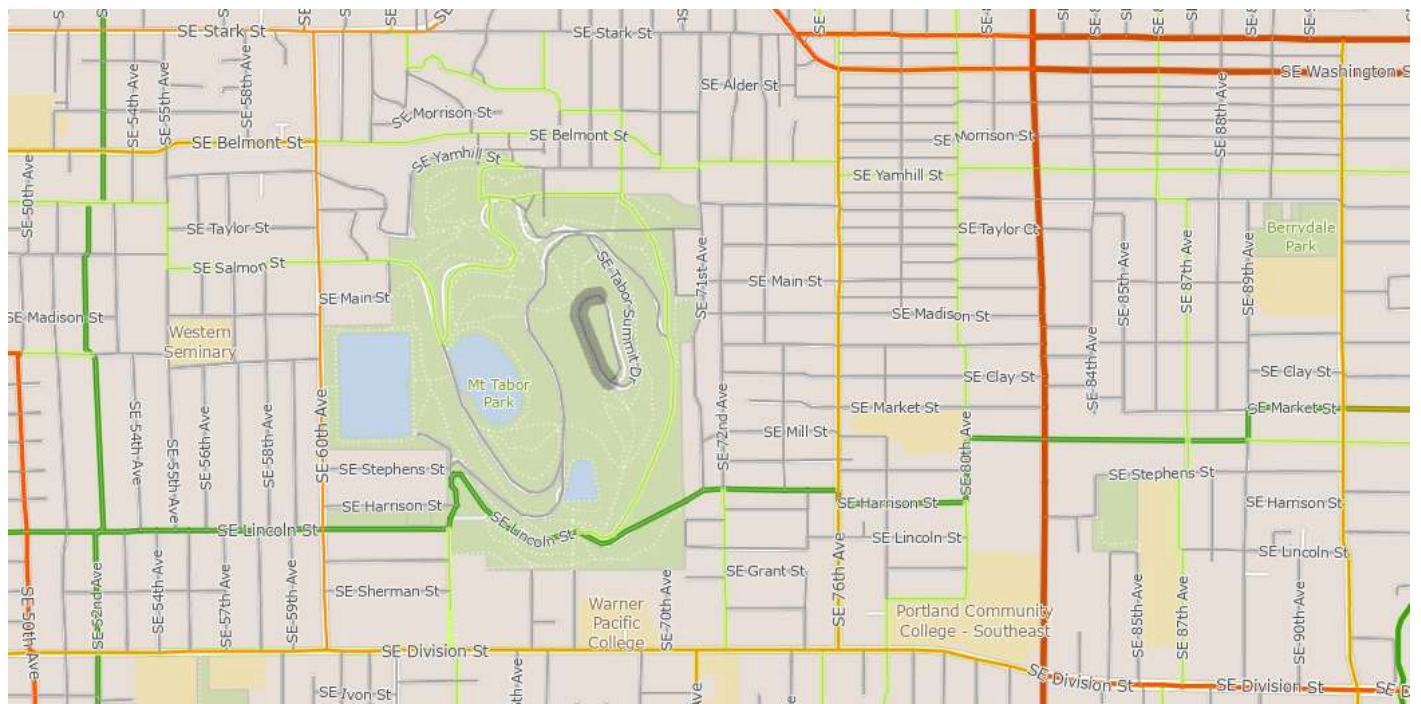
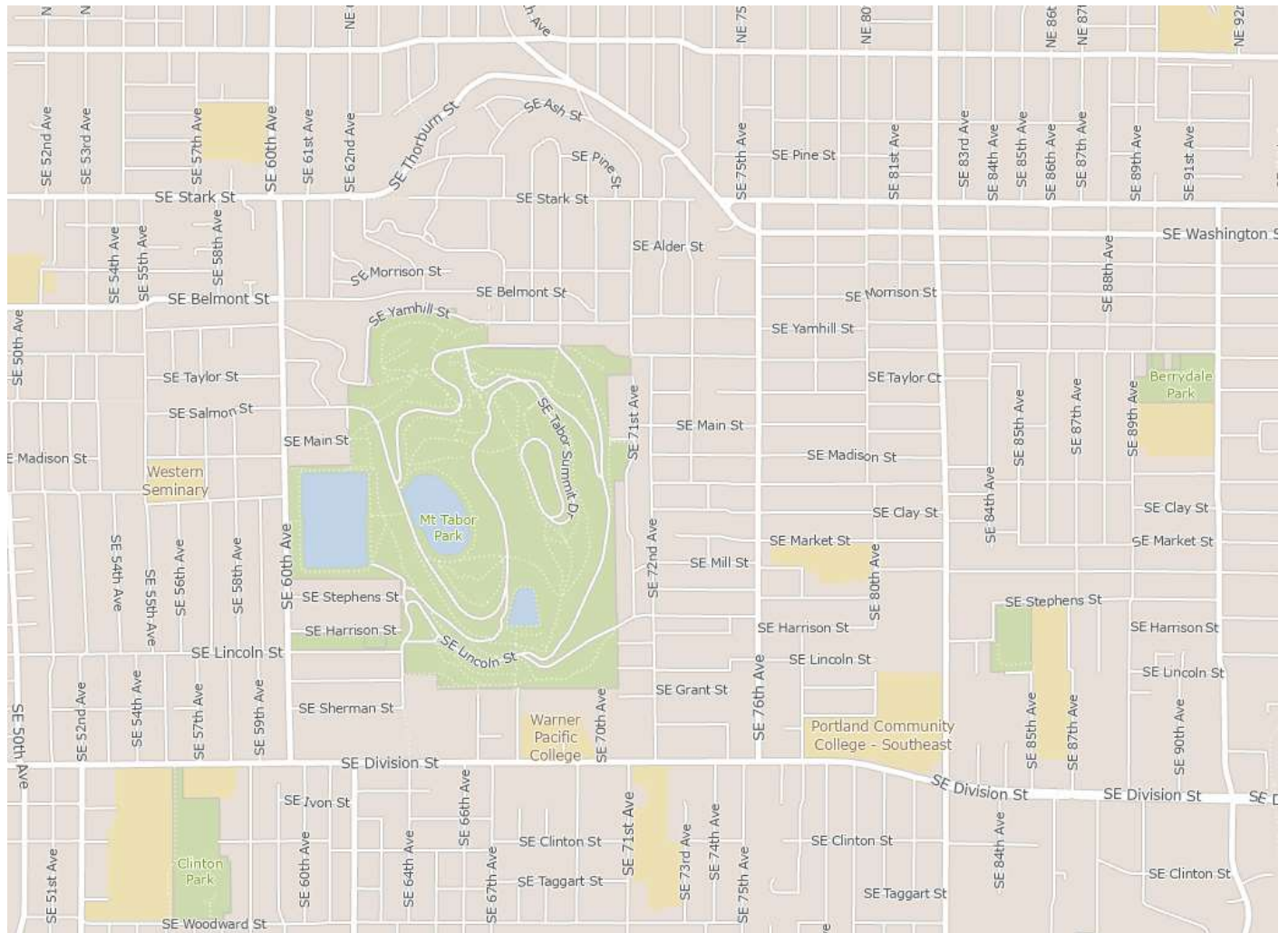
Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer



Exhibit 2: Vicinity Maps



Street vacation vicinity maps

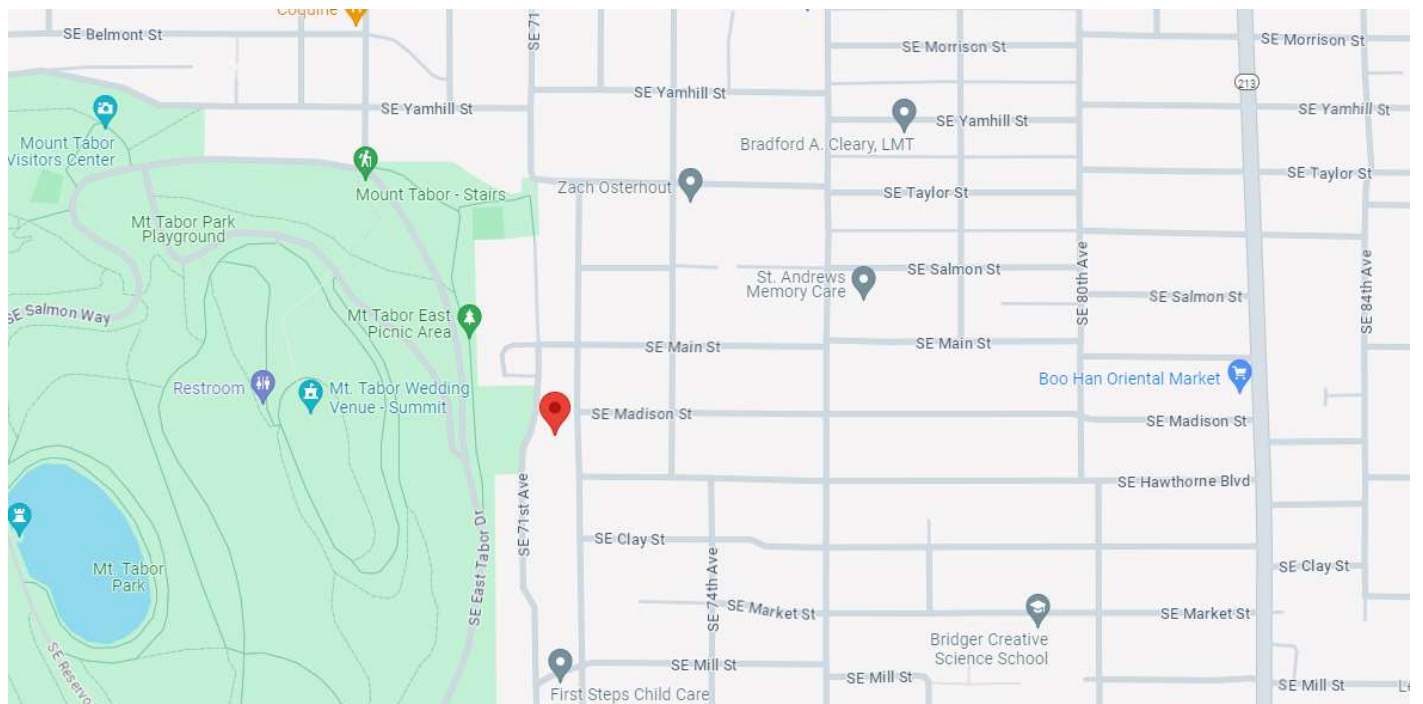
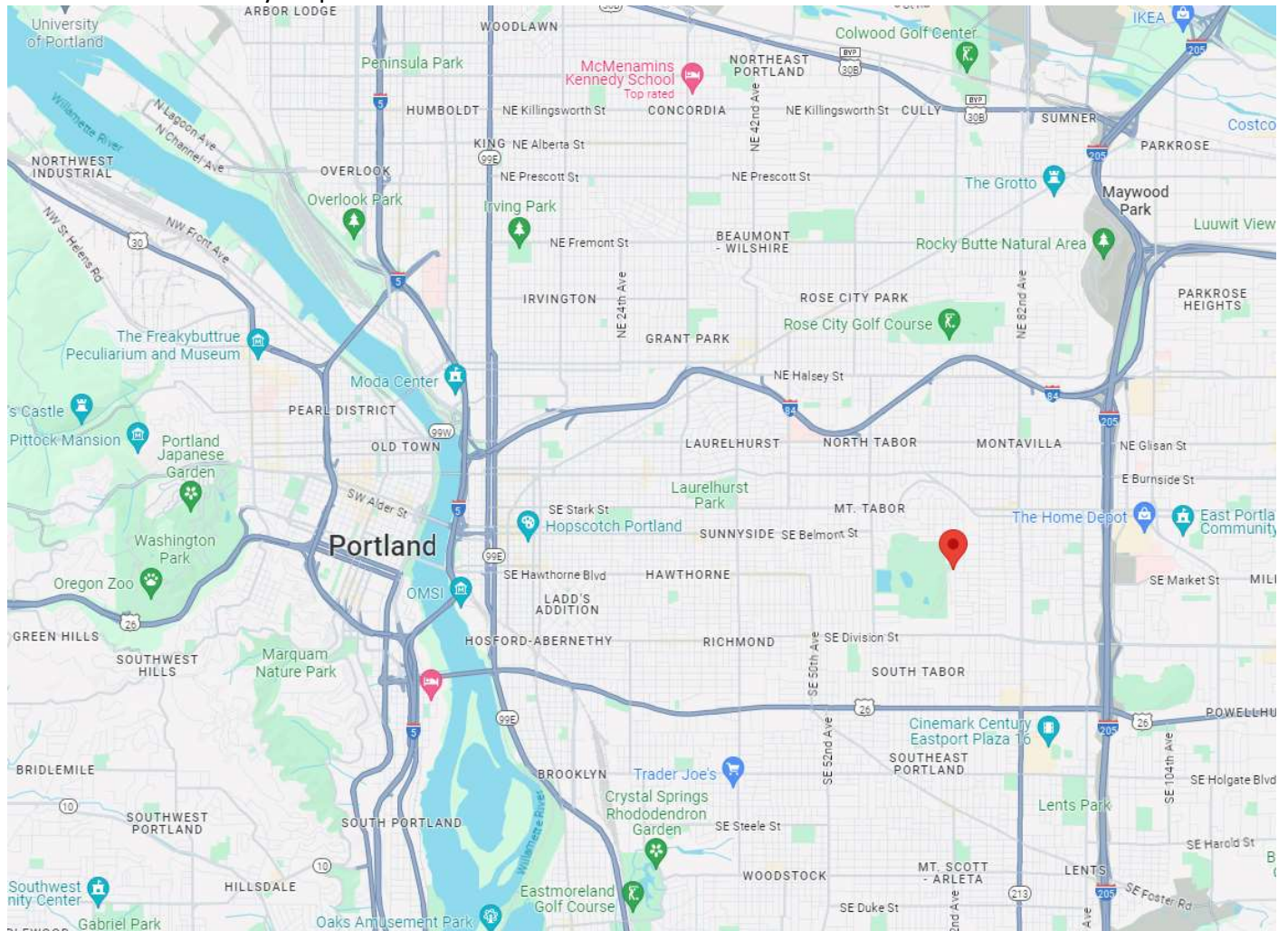
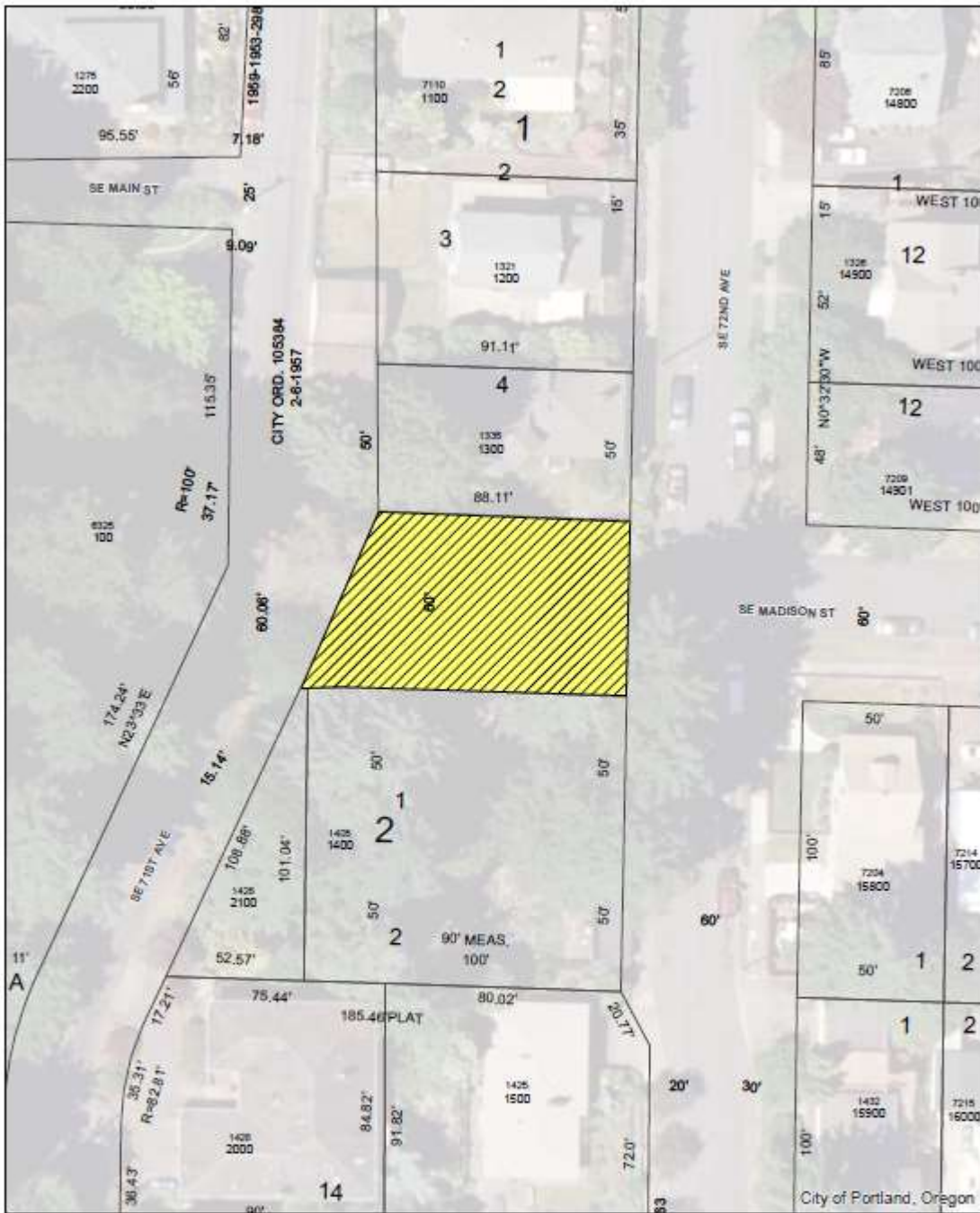




Exhibit 3: Area Proposed for Vacation

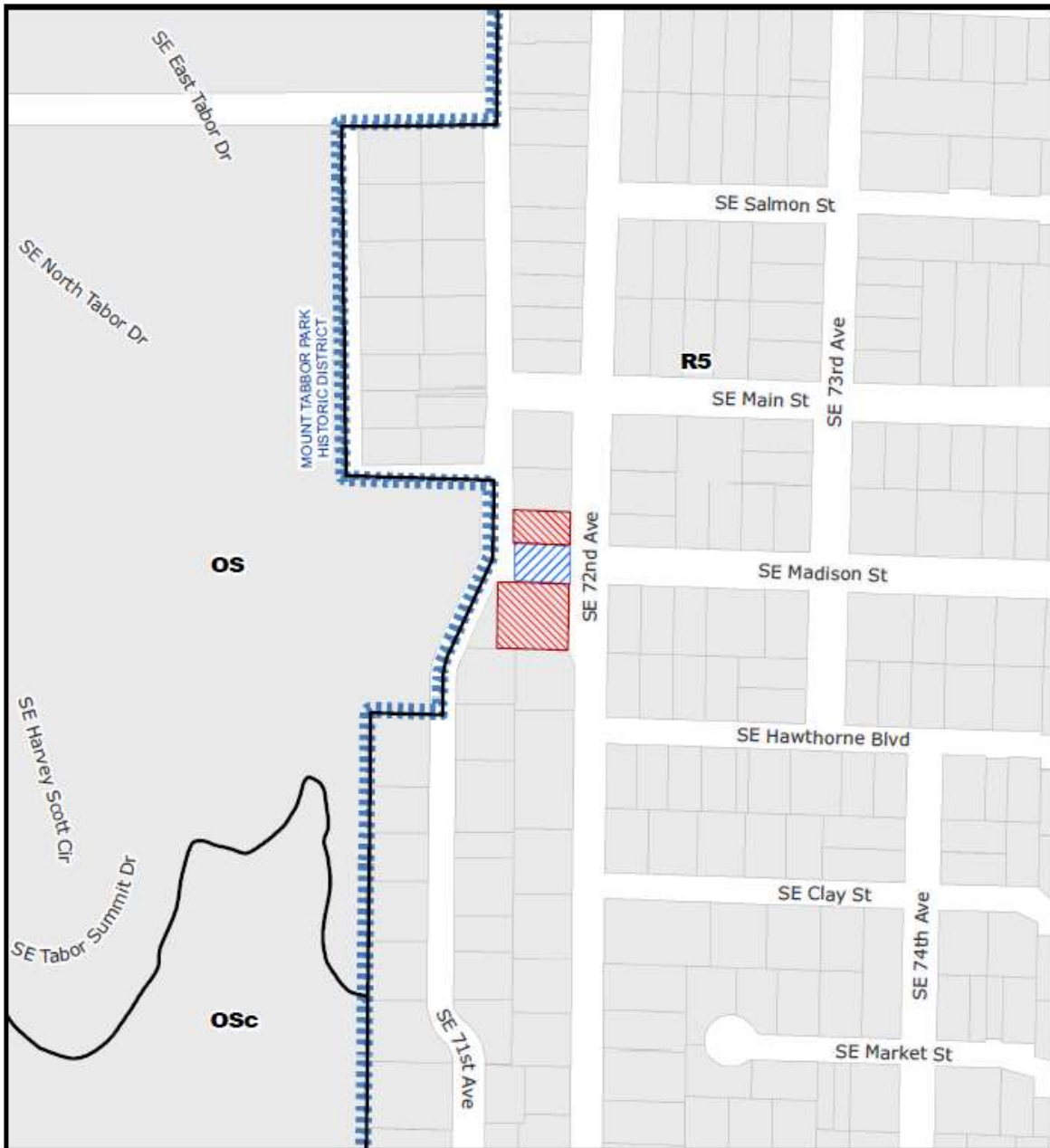


SE MADISON STREET BETWEEN SE 71ST AND 72ND AVENUES

Petitioner: Charles Dustin and Katherine Reed
 Section: 1S2E05BD

 Area Proposed for Vacation


 1 in = 50 ft



ZONING



-  Site
-  Street Vacation

File No.	<u>EA 18-221166 APPT</u>
1/4 Section	<u>3137,3138</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E05BD 1400</u>
Exhibit	<u>B Aug 23, 2018</u>

Exhibit 4: Site Detail

S.E. 1/4 N.W. 1/4 SEC. 5 T.1S. R.2E. W.M.
MULTNOMAH COUNTY
1" = 100'

1S 2E 5BD
PORTLAND



1S 2E 5BD
PORTLAND

Site Map

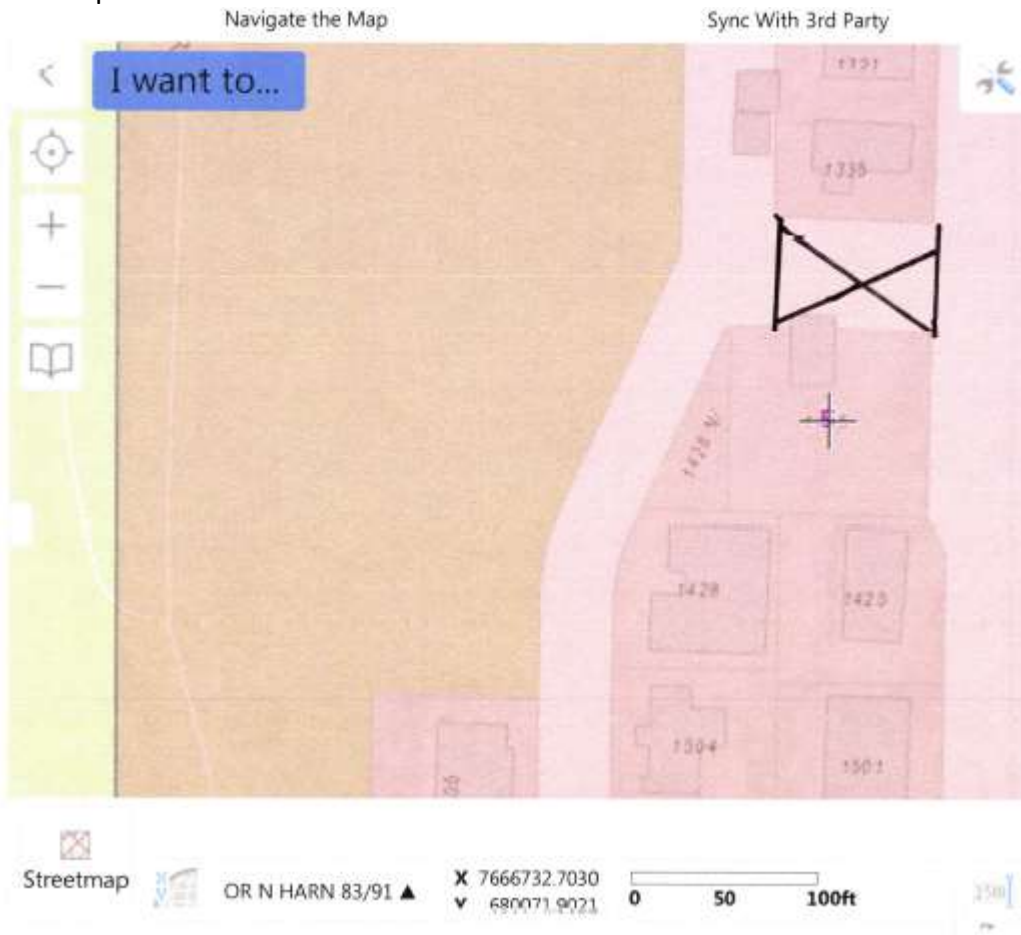


Exhibit 5: Site Photos

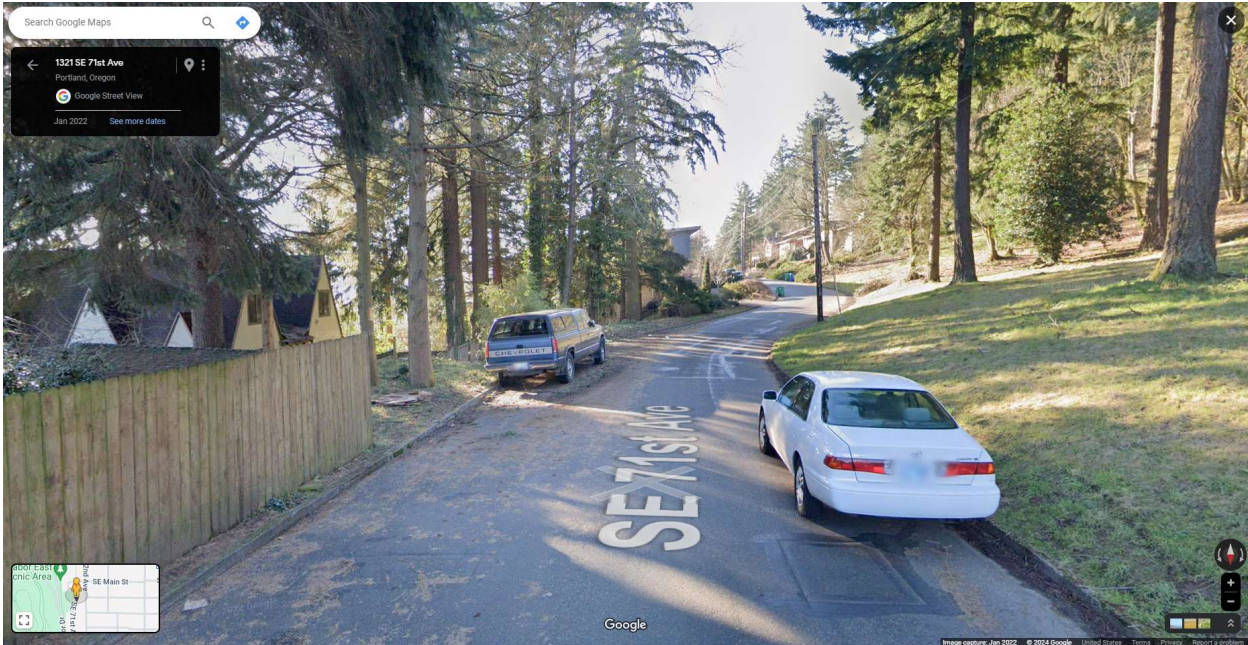
Intersection of SE Madison & 71st looking east towards the proposed street vacation segment:



Intersection of SE Madison & 72nd looking west towards the proposed street vacation segment:



Intersection of SE Madison & 71st looking south – no sidewalks:



Intersection of SE Madison & 72nd looking north – sidewalks on both sides:

