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Millicent D. Williams Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NUMBER: R/W #9600

COMMISSION MEETING TO BE HELD: 04/08/2025

I. GENERAL INFORMATION

Street Vacation Request: NE Couch Street and NE Davis Street west of NE 97th Avenue

Petitioner: Chris Hagerman, The Bookin Group LLC, (503) 502-8693;
hagerman@bookingroup.com – applicant, planner
Joe Westerman, JMW Properties, (503) 313-4621 – owner
Andrew Baltz, Baltz Family Holdings LLC, (503) 793-1131 – owner

Purpose: The applicants propose to vacate portions of NE Couch Street and NE Davis west of NE 97th Avenue. The stated purpose for the vacation is to facilitate transit-oriented development and public improvements through the NE 97th Phase II and Couch/Davis Local Improvement projects.

Neighborhood: Hazelwood

State ID: R263226, R263231, R263232, R263234

Designation/Zones: EG1



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II. FACTS

A. History and Background

JMW properties and Baltz Family Holdings LLC, in partnership, are applying to vacate NE Couch Street and NE Davis Street to maximize building potential for the small lots between NE 97th Ave, and the multi-use bike path, Tri-Met corridor, and Interstate-205.

The applicants own parcels on the site as well as the parcels adjacent to the requested street vacations on NE Couch and NE Davis. The stated purpose for the vacation is to facilitate transit-oriented development and public improvements through the NE 97th Phase II and Couch/Davis Local Improvement projects authorized by Ordinance No. 189472.

The site is located in the Hazelwood neighborhood and the zoning is designated as a **General Employment 1 Zone (EG1)**. EG1 zones generally feature smaller lots and a grid block pattern. The area consists of sites with high building coverages and buildings which are close to the street. Generally, the uses and character of this zone are oriented towards office and industry. The parcel on the north side of NE Couch is zoned as **Central Residential with a Design overlay zone (RXd)**.

B. Concurrent Land Use Actions

The applicants are also seeking a Zone Map Amendment (and potentially a Comprehensive Plan Amendment) for their properties at the intersection of NE 97th and E Burnside. As a part of the Comprehensive Plan update, the properties were changed from Central Employment (EX) to General Employment 1 (EG1). Under the EG1 zoning designation, residential development is prohibited. The property owners would like to reestablish the potential for residential use of the land. Two target zoning designations, Central Employment (EX) and Central Residential (RX), are under consideration.

C. The Transportation Element

In the 2035 Transportation System Plan (TSP), the following describe the TSP classifications for the rights-of-way proposed for street vacation as well as other adjacent and parallel streets.

	<i>SV Street 1</i>	<i>SV Street 2</i>	<i>Adjacent Street</i>	<i>Parallel Street</i>
Street Name	<i>NE Davis St</i>	<i>NE Couch St</i>	<i>NE 97th Ave</i>	<i>E Burnside St</i>
Traffic	Local Service Traffic Street	Local Service Traffic Street	Local Service Traffic Street	Neighborhood Collector Street
Transit	Local Service Transit Street	Local Service Transit Street	Local Service Transit Street	Regional Transitway & Major Transit Priority Street
Bicycle	Local Service Bikeway	Local Service Bikeway	Local Service Bikeway	Major City Bikeway
Pedestrian	Local Service Walkway	Local Service Walkway	Local Service Walkway	Major City Walkway
Freight	Local Service Truck Street	Local Service Truck Street	Local Service Truck Street	Local Service Truck Street
Emergency	Minor Emergency Response	Minor Emergency Response	Minor Emergency Response	Secondary Emergency Response
Design	Local Street	Local Street	Local Street	Neighborhood Main 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 rights-of-way proposed to be vacated have 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 rights-of-way proposed for street vacation are 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 rights-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 rights-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 rights-of-way proposed for vacation do not provide necessary access points for abutting properties. Properties on either side of the ROWs are already provided access off NE 97th 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 rights-of-way that are not considered through streets and are 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:		
PBOT Real Property Services Lance Lindahl	10/28/24	City Initiated.
PBOT Transportation Planning Ari Del Rosario	2/21/25	No objection.
PBOT Traffic Operations Rick Nys	1/21/25	No objection.
PBOT Complete Streets Roger Geller	1/21/25	No objection.
PBOT Bridges, Structures and Pavement Cameron Glasgow	1/29/25	No objection.
PBOT Construction Services Michael Magee	2/24/25	No objection.
PBOT SSL Design and Engineering Charles Radosta	1/22/25	No objection.
PBOT Parking Control Peter Wojcicki	1/28/25	No objection.
Permitting & Development, Public Infrastructure Review Tyler Mann	2/18/25	No objection.
Permitting & Development, Permit Engineering Review Kurt Krueger	2/26/25	No objection.
Permitting & Development, Land Division Diane Hale	3/3/25	No objection.
Permitting & Development, STARS & Records Conversion Viktor Palchey Viktor.Palchey@portlandoregon.gov 503-823-3862	1/23/25	No objection subject to the following condition: Unable to remove address from the parcel currently addressed as 9648 NE Couch Street because no demo permit has been issued for the existing house. Address can be removed from the property only when Demo Permit is applied. If there is no demolition of existing house. Then owner/applicant should reach out to

Commenting Party	Response Date	Comments / Conditions
		ppdaddressing@portlandoregon.gov and request for address change documents and to start that process.
Permitting & Development, Public Infrastructure Development Stephen Himes	2/21/25	No objection.
Portland Water Bureau Kris Calvert	2/20/25	No objection.
Portland Fire & Rescue Jeff Galvan & Dawn Krantz	2/24/25	No objection.
Portland Parks & Recreation Dylan Paul	2/27/25	No objection.
PP&R Urban Forestry Neil Olson	2/6/25	No objection.
BTS, GIS & Web Services Paul Cone	2/18/25	No objection subject to the following condition: Properties currently addressed as 9652 NE Davis St and as 9648 NE Couch St must be readdressed.
Planning Commission	Pending	Response pending review by the Planning Commission.
Neighborhood Associations Notified:		
Hazelwood Neighborhood Assoc.	NA	No response.
Central Northeast Neighbors	NA	No response.
Local Agencies Notified:		
ODOT Region 1 John Russell	3/3/25	No objection.
Port of Portland Lewis Lem	NA	No response.
TriMet Nick Stewart	1/21/25	No objection.
Public Utilities Notified:		
Portland General Electric Phoenix Vu-Bui	1/27/25	No facilities in street area.
Pacific Power Richard Birch	1/23/25	Have facilities in street area; reserve easement.

Commenting Party	Response Date	Comments / Conditions
CenturyLink/LUMEN	NA	No response.
Northwest Natural Stephanie Baxter	NA	No response.
Comcast Cable Peter Calo	1/27/25	No facilities in street area.

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Hazelwood Neighborhood Association and Central Northeast Neighbors. There were no responses.

VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the portions of right-of-way are not needed to provide future facilities. Approval of the street vacation will result in the handover of existing street segments to maximize building potential. Doing so is not anticipated to affect the functional performance of the street system in the Hazelwood 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. [Vicinity Maps](#)
2. [Area Proposed for Vacation and Current Zoning](#)
3. [Site Photos](#)

Report prepared by:

Portland Bureau of Transportation Staff Planner

Ari Del Rosario

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

Exhibit 1: Vicinity Maps

Street vacation vicinity maps

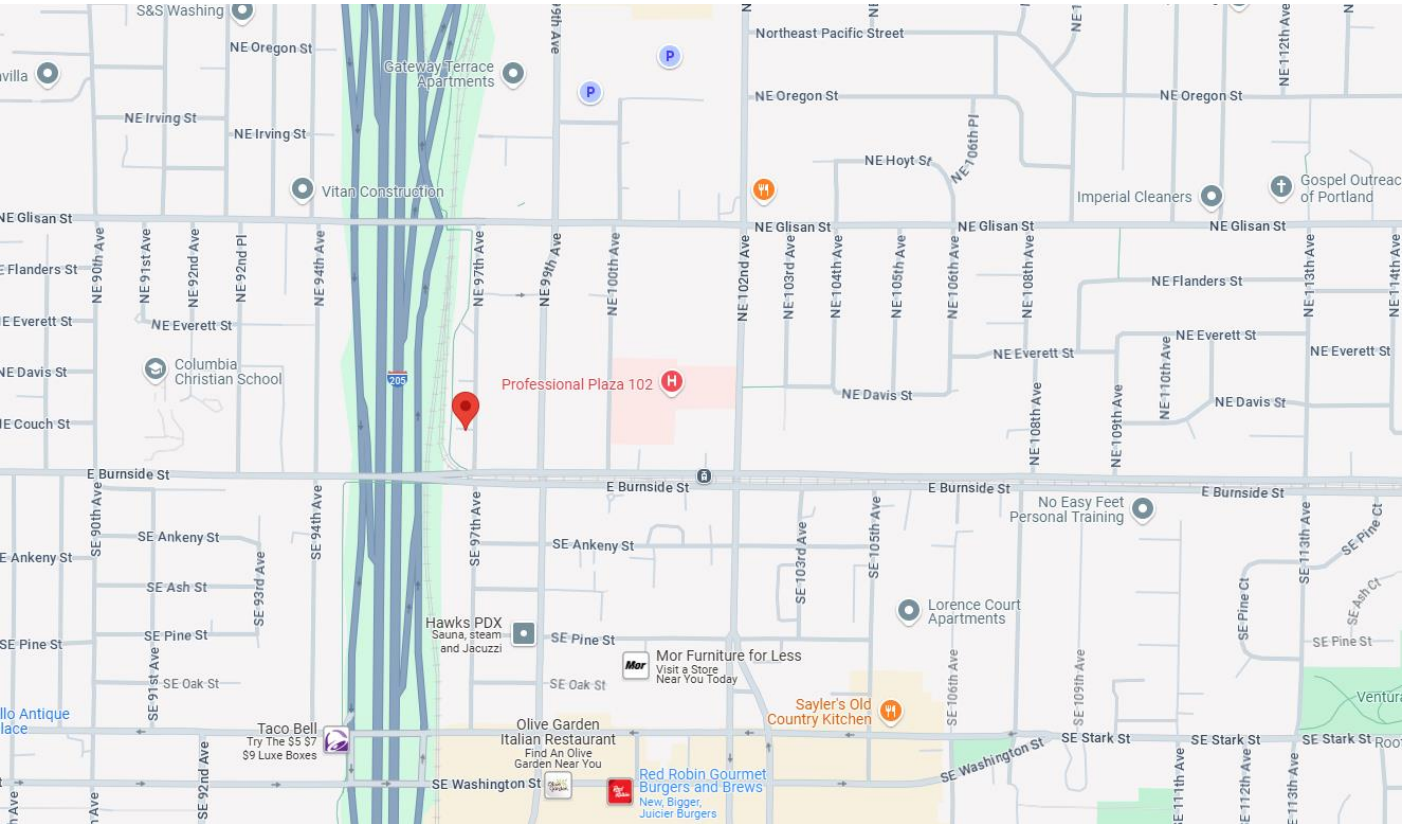
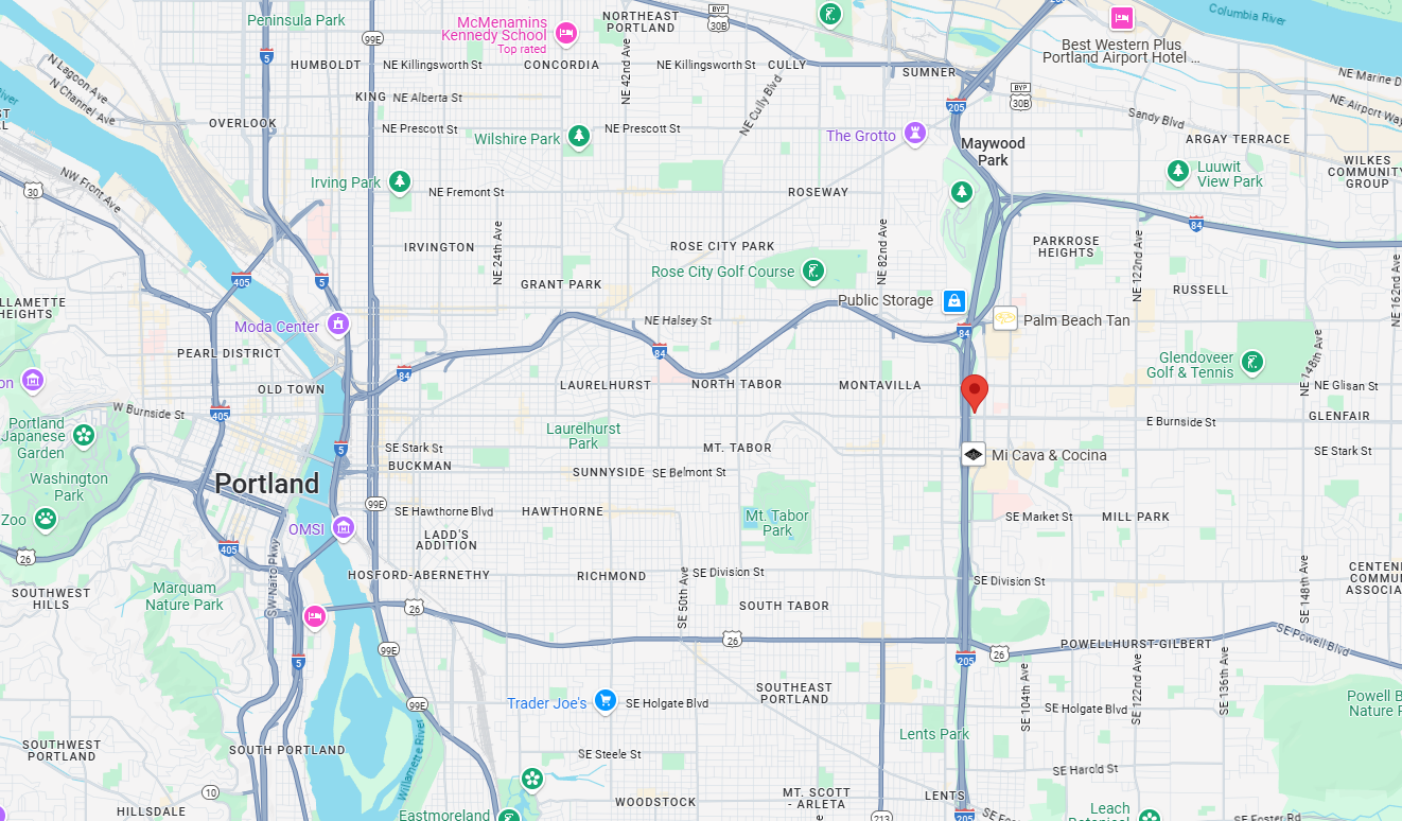
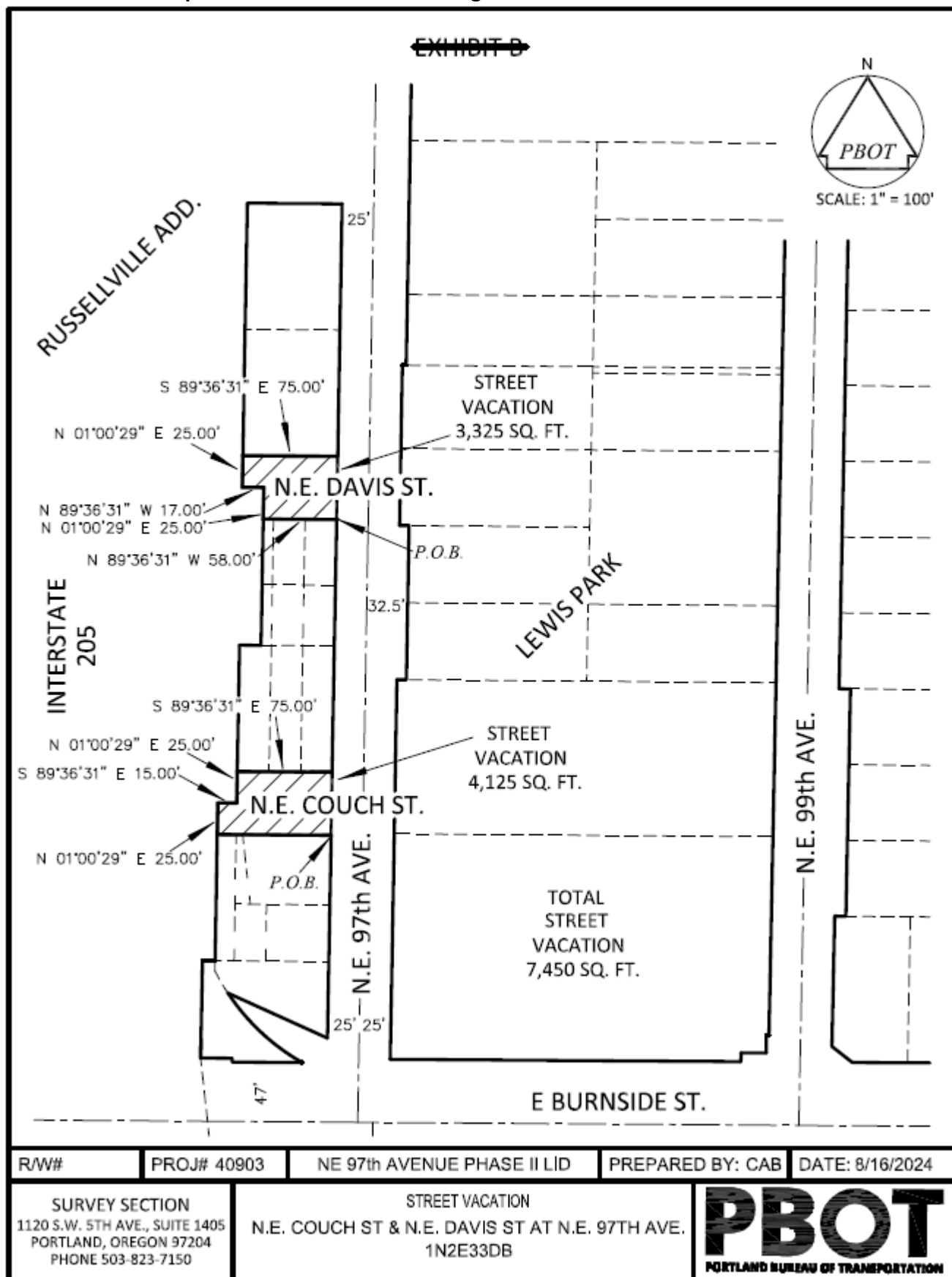
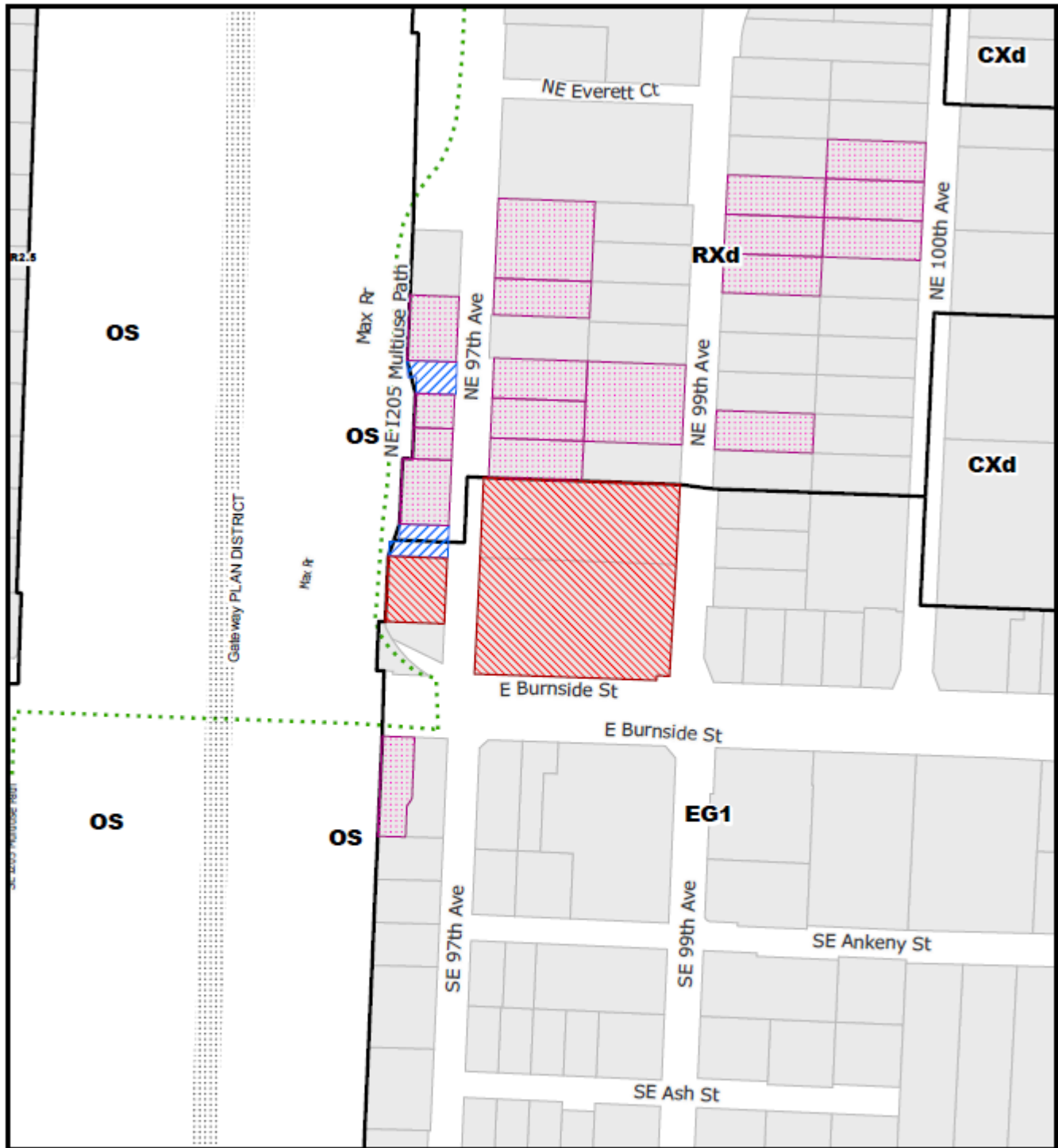


Exhibit 2: Area Proposed for Vacation and Zoning










For Zoning Code in Effect Post October 1, 2022

ZONING

THIS SITE LIES WITHIN THE:
GATEWAY PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Street Vacation Request
-  Plan District
-  Recreational Trails

File No.	<u>EA 24 - 058818 PC</u>
1/4 Section	<u>3040</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N2E33DA 8100</u>
Exhibit	<u>B Jul 19, 2024</u>



Westernmen



Baltz

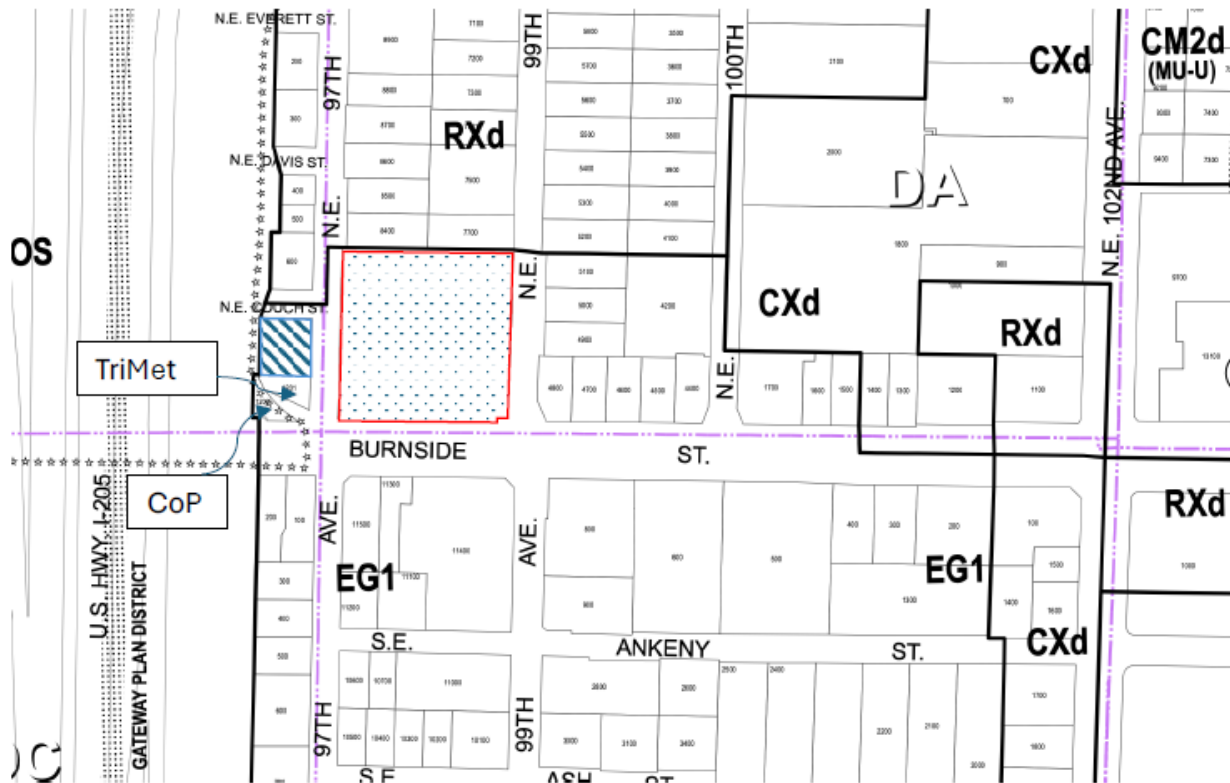


Exhibit 3: Site Photos

Intersection on E Burnside St facing north towards NE 97th Ave:



NE 97th facing west towards the proposed street vacation at NE Couch St:



NE 97th facing west towards the proposed street vacation at NE Davis St:



NE 97th Ave at the intersection with NE Davis St, facing south:

