



Steve
Novick
Commissioner

Leah Treat
Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUBSTANTIALITY COMMISSION

FILE NUMBER: R/W #7880

**MAY 12, 2015 12:30 PM
1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A**

I. GENERAL INFORMATION

Street Vacation Request: R/W #7880

Petitioner: Marx Investments, LLC

Purpose: Consolidate property for future development and eliminate dumping and illicit activities.

Neighborhood: St. Johns

Quarter Sections: 2N1W35D; 2N1W36C

Designation/Zone: IH Heavy Industrial

II. FACTS

A. History and Background

N Terminal Rd is an east-west oriented approximately 500-foot long by 60-foot wide dead-end right-of-way spur located on off N Burgard/Lombard St in the Rivergate Industrial area. The street is currently unpaved with a gravel surface. The area around N Terminal is developed with mostly heavy industrial uses on large lots. Surrounding uses that typify the area include railyards, an outdoor storage area for shipping containers, and large manufacturing and warehouse facilities. The applicant, Marx Investments, LLC, are the owner of property immediately south of the area of the requested street vacation, and

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have applied for concurrent conditional use review to operate a waste related use.

B. Concurrent Land Use Actions

There is a land use action that is concurrent with this street vacation request. The land use case number is 14-235840 LU. It is a request for a conditional use to establish a Waste Related Use with a new shop and office and 11 parking spaces. Adjustments to setback, landscaping and fencing requirements are also requested.

C. The Transportation Element

N Terminal Road is classified as a local street for all modes in the transportation element of the Comprehensive Plan.

D. Neighborhood Plan

The site of the proposed street vacation is located in an area that is zoned for heavy industry. There is no neighborhood plan adopted for this area.

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: This policy relates to mixed-use and residential areas where an interconnected multimodal transportation system is needed to serve an intense mix of people and uses. The policy is not intended to guide decisions in areas with the type of heavy industrial land uses where N Terminal Rd. is located.

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: N Terminal Rd. is a dead-end spur street that shortly parallels a railroad right-of-way for about 500 feet. All properties adjacent to the street

vacation site receive access from N Burgard/Lombard. Adjacent uses to the south include the railroad and the site of the waste related facility to applicant intends to operate. To the north and west, the use is a railyard and container storage and loading/unloading area.

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: The subject street is located in an area of heavy industry. No existing or potential view corridors have been identified in the review of the street vacation request.

Policy 11.11 Street Plans, Objectives D, E and N 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.

N. Preserve street connectivity in areas of the City that meet the standards of this policy and its objective as shown on Maps 11.11.9 through 11.11.16.

Comment: Per Objective N, N Terminal Rd is shown on North District Map 11.11.10 and is mapped as being within an "Excluded Areas (Zoned IG1, IG2, IH, OS, and p)." Explanatory text included with policy 11.11 in the TSP indicates that these excluded areas are industrial lands and open spaces where the 530- and 330-foot street spacing intervals are not intended to be applied.

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: N Terminal Rd is a dead-end street within a heavy industrial zone. Surrounding land uses do not generate a great deal of pedestrian traffic. There are not destination points to which it would be expected that pedestrians would wish to travel that will be cut-off due to the vacation of this street segment.

B. Policy Considerations - Current and Future Need

Findings demonstrated lack of current or future need for this right-of-way are made in the previous section A. Comprehensive Plan Goals and Policies Consideration in the findings for Policy 6.21 Right-of-Way Opportunities. These findings show sufficient policy consideration that there is no current or future need for the N Terminal Rd right-of-way.

C. Other Relevant Comprehensive Plan Policies (and/or Plans)

There are no other Comprehensive Plan policies or policies from other adopted plans that are relevant to this request.

D. Zoning Code Considerations

Other zoning code designations that could apply and that should be considered during review of a street vacation request include environmental zoning or designation as a recreational greenway trail. There are no such designations on N Terminal Road.

E. Subdivision Code Considerations

Notice of this street vacation request was provided to the Bureau of Development Services to determine if there are any relevant impacts to consider related to future subdivision of property in the area. BDS responded with no objection to the proposal.

F. Improvement Considerations

Notice of the street vacation request were reviewed by Portland Bureau of Transportation (PBOT) for conformance with standards for street improvements. The following improvements are required to meet City standards:

- PBOT, Development Review, requires that the City retain a minimum 12-foot right-of-way corridor measured from the existing Lombard/Burgard curb so that the Petitioner can construct a 12-foot sidewalk corridor with a commercial driveway approach. They also will require the Petitioner to

submit a 30% public works plan and financial surety prior to recording the street vacation ordinance.

- PBOT, Permit Engineering, requires that the intersection be permanently closed with a curb and sidewalk corridor

G. Utility Considerations

Public and private utilities were notified of this street vacation request. Agency requirements are:

- PBOT, Signals & Street Lights, requires an easement over the existing signal loop detectors embedded in the pavement near the intersection of Burgard Street.
- The Bureau of Environmental Services (BES) requires a 20-foot wide public sewer easement over an existing stormwater facility. In addition, if the property is fenced, BES requires 12-foot wide gates at each end of the easement with City locks used to provide BES access to the easement area.

H. Neighborhood Issues

Notice of this street vacation request was provided to the St. Johns Neighborhood Association and to the North Portland Neighborhood Services neighborhood coalition. No responses to the notice were received from the neighborhood.

IV. CONCLUSIONS

The requested vacation of N Terminal Rd is consistent with relevant Comprehensive Plan policies related to street connectivity and future needs for right-of-way. Notice was provided to existing and potential users of N Terminal Rd and none objected to vacating the street. To meet City street standards, PBOT requires that frontage improvements, including sidewalks and a driveway, be made along N Lombard/Burgard to close the existing entrance to N Terminal Rd. PBOT and BES require easements in the vacated streets to maintain existing street light and sewer infrastructure.

V. TENTATIVE STAFF RECOMMENDATION

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

1. PBOT Development Review requires that the City retain a minimum 12-foot right-of-way corridor measured from the existing Lombard/Burgard curb so that the Petitioner can construct a 12-foot sidewalk corridor with a commercial driveway approach. They also will require the Petitioner to submit a 30% public works plan and financial surety prior to recording the street vacation ordinance.
2. PBOT Permit Engineering requires that the intersection be permanently closed with a curb and sidewalk corridor.
3. PBOT Signals & Street Lights requires an easement over the existing signal loop detectors embedded in the pavement near the intersection of Burgard Street.
4. BES requires a 20-foot wide public sewer easement over an existing stormwater facility. In addition, if the property is fenced, BES requires 12-foot wide gates at each end of the easement with City locks used to provide BES access to the easement area.

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

- A. Area proposed for vacation
- B. Photo(s) of street vacation area
- C. Aerial photo of street vacation area
- D. Bureau and other agency comments summary

Bureau of Transportation Staff Planner
Rodney Jennings, City Planner II
503/823-7794
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cc:

Karl Arruda, Right-of-Way Case Manager
Petitioner(s) – Marx Investments, LLC

John Leslie, St. Johns Neighborhood Association
Case File
Other interested parties as relevant

Exhibit A:

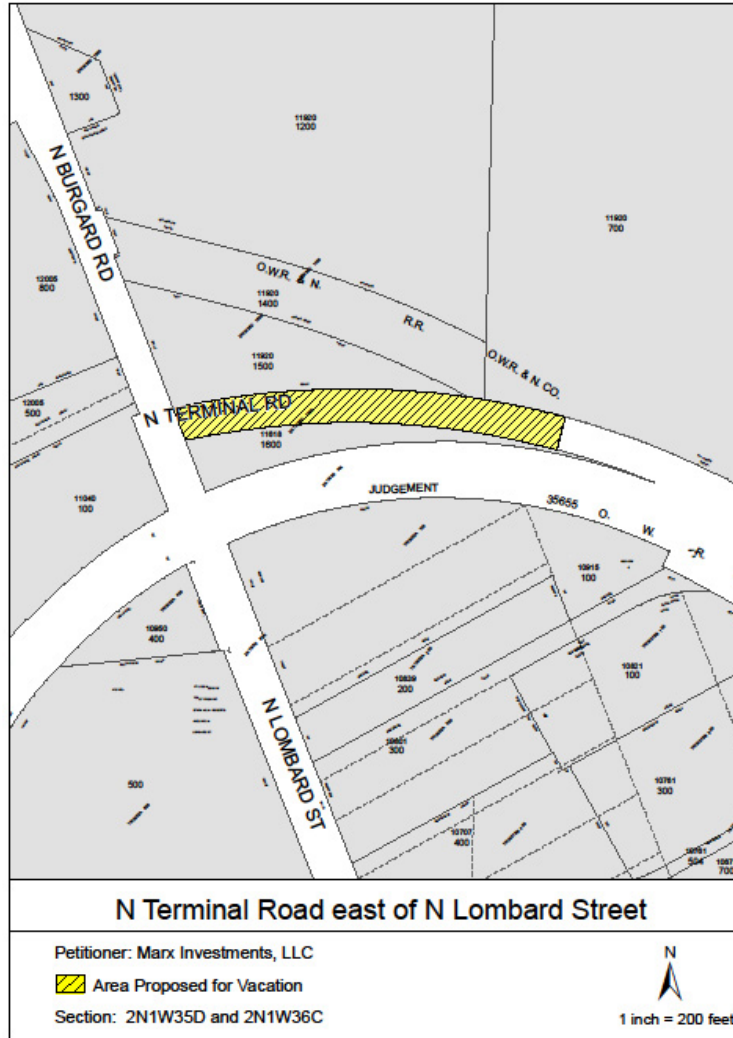


Exhibit B:





Exhibit C:



Exhibit D:

Exhibit 2

Comments Summary

R/W # 7880 N Terminal Road	RWA Project Manager: Karl Arruda	Petitioner/Applicant: Arthur Marx arthur@wastex.com 503-793-7661 PO Box 83492 Portland, OR 97283
SAP Cost Object No.: 9TR000002068		
VAC-10096		
IQ #10-142820		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	1/14/2015	Petition Certified.
PBOT Development Review Bob Haley 503-823-5171	3/9/2015	No objection subject to the following conditions: 1) Retain a minimum of 12 feet of right-of-way from existing face of curb on N. Lombard. 2) Construct 12 foot sidewalk corridor with commercial driveway approach. 3) Submit 30% public works plan and financial surety prior to recording.
Transportation Planning Grant Morehead	2/20/2015	No objection
PBOT Permit Engineering Chon Wong 503-823-7050	3/3/2015	No objection subject to the following conditions: 1) Remove curb returns and construct curb and sidewalk along front of vacated street (at Lombard St.). Sidewalk corridor should meet current standards for street classification for N. Lombard. 2) Construct east/west ADA ramp at existing marked crossing. 3) Remove dead end signs.
PBOT Trans Systems Mgmt Carl Snyder	2/17/2015	No objection.
PBOT Street Lighting Tod Rosinbum 503-823-5573	2/25/2015	No objection subject to the following condition: Grant City an easement for street signal loop detectors.
PBOT Bridges and Structures David OLongaigh	2/9/2015	No objection.
Development Services Sean Williams	2/10/2015	No objection.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
Environmental Services Andre Duval 503-823-7214	3/13/2015	No objection subject to the following condition: Grant City a 20 foot wide easement over surveyed storm sewer. If property is fenced, BES requires 12 foot wide gates at each end for unrestricted access, using BES-specified W2 locks.
Water Bureau Rick Nelson	2/23/2015	No objection.
Fire Bureau Kari Schimel	2/23/2015	No objection.
Park Bureau Todd Lofgren	3/5/2015	No objection.
Urban Forestry Division Luke Miller	3/5/2015	No objection.
Planning & Sustainability Commission		Pending PSC Meeting.
Neigh Assoc Notified:		
St. Johns Neighborhood Assoc. Josh Leslie, Land Use Chair		No response.
N. Portland Neighborhood Svcs.		No response.
Local Agencies Notified:		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Phil Healy	3/12/2015	No objection.

Comments Summary

Commenting Party	Response Date	Comments / Conditions
TriMet Nick Stewart		No response.
Public Utilities Notified:		
PGE Ray Lambert 503-736-5711	2/10/2015	No objection subject to the following condition: Reserve easement for existing facility.
Pacific Power Richard Birch	2/9/2015	No objection.
CenturyLink Alan Meins alan.meins@centurylink.com	2/10/2015	No objection subject to the following condition: Reserve easement for existing facility.
Northwest Natural Richard H. Hawkes, GIS Tech 503-226-4211 x 4321	2/16/2015	No objection subject to the following condition: Reserve easement for existing facility.
Comcast Cable Walter Banks		No response.