

STAFF REPORT AND FINDINGS TYPE IV STREET VACATION

DATE: August 26, 2024

FROM: Gabby Sinagra, Planner II

FILE NAME (NUMBER): Vacation of the Northwest Sleret Avenue and Northwest Eastman Parkway Street Right-of-Way (VAC-24-00399)

APPLICANT: City of Gresham

LOCATION: The portion of Northwest Sleret Avenue immediately abutting the south side of Northwest Burnside Road and the portions of Northwest Eastman Parkway immediately abutting 44—450 Northwest Burnside Road in the Civic Neighborhood.

LEGAL DESCRIPTION: See Exhibits A and C

PROPOSAL: To vacate the right-of-way of Northwest Sleret Avenue abutting the south side of Northwest Burnside Road (an area encompassing approximately 4,791 square feet) and the portions of Northwest Eastman Parkway abutting 44-450 Northwest Burnside Road (the cumulative area encompassing approximately 1,790 square feet).

LAND USE DISTRICT: Civic Neighborhood Transit Moderate Density (CNTM).

RECOMMENDATION: **APPROVAL**

EXHIBITS:

- A. NW Sleret Avenue Legal Property Description
- B. NW Sleret Avenue Property Survey
- C. NW Eastman Parkway Legal Property Description
- D. NW Eastman Parkway Property Survey
- E. Vicinity Map
- F. Agency Comments

I. FINDINGS OF FACT:

LOCATION: The Northwest Sleret Avenue right-of-way to be vacated immediately abuts the south side of Northwest Burnside Road in the Civic Neighborhood. The Northwest Eastman Parkway right-of-way to be vacated immediately abuts 44-450 Northwest Burnside Road in the Civic Neighborhood.

VACATION AREA: The area of right-of-way that will be subject to vacation, as described in Exhibits A and C, and shown in Exhibits B and D, is cumulatively 6,581 square feet, or approximately 0.15 acres.

LAND USE DISTRICT: Civic Neighborhood Transit Moderate Density (CNTM). There are no environmental overlays affecting the site.

SURROUNDING LAND USES: There is a commercial plaza located north of the Northwest Sleret Avenue right-of-way, LA Fitness located to the east, and the K-Mart property located to the south and west. Papa Murphy's Pizza is located north of the northern portion of Northwest Eastman Parkway right-of-way to be vacated, and the Gresham Barlow School District Offices & Gresham Police Station are located to the south of the southern Northwest Eastman Parkway right-of-way to be vacated, with the K-Mart property located to the west, and a commercial plaza located to the east.

SITE CONDITIONS: The right-of-way for Northwest Sleret Avenue is unimproved. The Northwest Sleret Avenue right-of-way to be vacated consists of a portion of the parking lot serving the existing LA Fitness property. There is existing vegetation within the Northwest Sleret Avenue right-of-way that serves as screening for the LA Fitness parking lot abutting Northwest Burnside Road. There do not appear to be trees within the Northwest Sleret Avenue right-of-way but there are several mature trees surrounding it in addition to a screening hedge. There are no City of Gresham water, sewer, or stormwater mains running along the Northwest Sleret Avenue right-of-way.

The two portions of the Northwest Eastman Parkway right-of-way to be vacated are not improved with street infrastructure. The northern portion of the right-of-way to be vacated consists of an existing driveway providing access to the K-Mart property as well as portions of an existing parking lot island. The southern portion of the right-of-way to be vacated consists of the extension of an ADA ramp crossing at a private driveway. There are no City of Gresham water, sewer, or stormwater mains running along the Northwest Eastman Parkway right-of-way.

PROPOSED USE OF VACATED RIGHT-OF-WAY: The vacation will result in preparing these two high-profile properties in the Civic Neighborhood for re-development in accordance with the proposed Civic Neighborhood Concept Plan project. Proactively vacating the right-of-way could reduce the complexity of the land use process during development.

PUBLIC NOTICE AND COMMENTS: The City of Gresham Urban Design and Planning Department sent notices of the proposed right-of-way vacation to the surrounding owners of record of property within 300 feet of the subject properties, as shown on the most recent property tax assessment roll. Notices were posted at the eastern terminus of NE 16th Street (east of NW Civic Drive), the eastern terminus of NW Council Drive (east of NW Civic Drive), one on the east side of NW Civic Drive between NW Council Drive and NW Burnside Road, two on the south side of NW Burnside Road between NW Civic Drive and NW Eastman Parkway, and one on the west side of NW Eastman Parkway between NW Burnside Road and the Gresham Barlow School District Offices & Gresham Police Station northern driveway. The properties within 300 feet of K-Mart and LA Fitness properties and the Northwest Neighborhood Association were notified by mail on August 6, 2024. Various City departments were sent notices on July 30, 2024; their comments and recommendations submitted up to the time of the Planning Commission hearing will be attached to and made a part of this Review and Recommendation.

BACKGROUND:

On April 18, 2023, Council held a work session for the proposed Civic Neighborhood Concept Plan. The updated vision for Civic Neighborhood ties into the “One Gresham” Initiative – a multi-year economic, urban redevelopment, and social strategy designed to strengthen and link the city’s three mixed-use centers – Civic, Downtown Gresham, and Rockwood. The One Gresham Initiative identifies Civic Neighborhood to be a livable neighborhood with a community plaza, shopping, a grocery store, entertainment options, and mixed-use housing.

Most of the Civic Neighborhood expected to transform is in the northeast quadrant. This area features a roughly 13-acre site where the former K-Mart store is located, as well as a series of city-owned parcels that could support new district uses and/or amenities, including a new public park, a district serving “mobility hub” and additional sites for new housing development.

The City is proposing the vacation of these particular rights-of-way in an effort to streamline redevelopment of this property according to the Civic Neighborhood Concept Plan. The City currently owns these portions of undeveloped and developed street right-of-way, which no longer align with the Civic Neighborhood street grid adopted in 2018. The 2018 update included an update of street types specific to the Civic Neighborhood in addition to the future street plan “Street Modifications” process in order to bring the future street plan process into alignment with other areas of the city. As part of this work, an updated Future Street Plan for the Civic Neighborhood was adopted that reflects the Civic Neighborhood specific street types and planned future extensions for the area.

At the May 21, 2024, Council meeting, City Council voted by consent agenda in favor of initiating the review and consideration of the merits of vacating the right-of-way.

II. APPLICATION PROCESS FINDINGS:

11.0101 Development Permit Required. A development permit is being pursued in accordance with the Gresham Development Code standards and requirements. This staff report represents the review of the proposed vacation of right-of-way as it relates to the Gresham Development Code standards and requirements for street vacations.

This standard is met.

11.0204 Type IV Procedure - Administrative Procedures. This proposal is subject to the Type IV procedure because it is a request for vacating a right-of-way.

This standard is met.

11.0602 Type IV Procedure - Administrative Procedures. A notice of the proposed development was mailed to property owners within 300 feet of the proposed development. The Northwest Neighborhood Association was also sent notice on August 6, 2024. The notice gave a brief description of the proposal, a list of the applicable development standards and criteria for decision, the location of the proposed development, and a contact person. The notice states that comments can be submitted or presented at the August 26, 2024, Planning Commission hearing. The notice was also posted on site on August 6, 2024. The notices provided an opportunity for persons to make written or oral comments which address relevant criteria and standards.

This standard is met.

III. FINDINGS:

The proposal must be found consistent with the Oregon Transportation Planning Rule, Metro Functional Plan, and Gresham Community Development Code Procedures and Standards.

- A. Oregon Transportation Planning Rule (OAR 660-012) - The Oregon Transportation Planning Rule (TPR) requires cities and counties to adopt Transportation System Plans (TSPs). Portland metropolitan area jurisdictions must ensure that their TSPs are consistent with a Regional Transportation System Plan (RTP).

Finding: The City's adopted TSP includes street classifications and land use regulations consistent with the TPR and RTP. Northwest Sleret Avenue is classified as a Civic Neighborhood Local Street. The existing Northwest Sleret Avenue right-of-way does not serve a circulation function and the proposed vacation will not impact Civic Neighborhood Local Street coverage. The Civic

Neighborhood Plan District includes a street grid and future street plan that was adopted in 2018 and supersedes the City's TSP. The Northwest Sleret Avenue right-of-way that is proposed to be vacated was dedicated in 2004 and is therefore not in an alignment that corresponds with the planned future extension outlined in the Civic Neighborhood Streets and Future Streets map found in Section 4.1243 of the Gresham Development Code. Vacating the existing Northwest Sleret Avenue right-of-way will remedy the inconsistency between the current alignment of local streets (specifically this unimproved right-of-way) and the planned alignment of local streets outlined in the Civic Neighborhood Streets and Future Streets map and the Civic Neighborhood Concept Plan.

Northwest Eastman Parkway is classified as a Standard Arterial and is currently built with pedestrian amenities that include a 6-foot curb tight sidewalk and 6-foot bike lane. The existing pieces of right-of-way proposed to be vacated along Northwest Eastman Parkway do not serve a circulation function and would not impact the pedestrian system in its current configuration. Northwest Eastman Parkway in its current form is not built to the Standard Arterial standards. The vacation of the Northwest Eastman Parkway right-of-way will remedy the existing alignments and facilitate the construction of the full street to the Standard Arterial criteria, which will provide for a more complete pedestrian infrastructure that supports Objective 1.1 Travel Options in the RTP.

- B. Metro Regional Functional Plan (Section 3.07.600) – Title 6 of the Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Finding: The City's compliance with the "actions and investments" called out by this Title of the Metro Regional Functional Plan is incorporated into the City's TSP. There are no specific connectivity standards or requirements provided by Section 3.07.600.

The area surrounding the right-of-way to be vacated is denoted in Title 6 as a station center community and a regional center due to its proximity to the Gresham City Hall Max Station and the Civic Drive Max Station. The CNTM zoning that will apply to the respective Northwest Sleret Avenue and Northwest Eastman Parkway portions of the street to be vacated align with the density and uses envisioned of station center communities and regional centers with transit-supportive development.

C. Gresham Community Development Code

1. Type IV Legislative Procedure (Section 11.0204) – This proposal is reviewed under Type IV legislative procedures (public hearings and determinations by the Planning Commission and City Council), as required to vacate public rights-of-way.
2. Vacation Criteria (Section A7.003) – This proposal is reviewed under Type IV legislative procedures (public hearings and determinations by the Planning Commission and City Council) as required to vacate public rights-of-way. Three vacation criteria apply:

a. **Whether the proposal is consistent with the Gresham Community Development Plan**

Plan Designations – The plan designation abutting the subject rights-of-way is Civic Neighborhood Transit Moderate Density (CNTM). The proposed action will return approximately 6,581 square feet to private ownership subject to the CNTM. Development of that area will be subject to Gresham Community Development Plan zoning district designations.

Finding: The use of the proposed vacation area along Northwest Sleret Avenue as part of the LA Fitness facility is permissible in the CNTM district. There is an existing K-Mart building and associated parking lot that is no longer in use abutting the proposed vacation area along Northwest Eastman Parkway. No new uses are proposed at this time.

Section 10.320 Transportation System:

GOAL 2: Ensure access and mobility by increasing multimodal travel options and providing a continuous, interconnected transportation system.

Finding: A continuous, interconnected transportation system that ensures access and mobility are provided using the existing improved rights of way of Northwest Burnside Road and Northwest Eastman Parkway. The existing Northwest Sleret Avenue right-of-way does not provide access to the adjacent LA Fitness parcel. The northern portion of the existing Northwest Eastman Parkway right-of-way to be vacated contains a portion of an existing driveway that provides access to the K-Mart property; this access is not proposed to be modified or abandoned as part of the vacation and there are two additional driveways on Northwest Burnside Road that provides access to the property. The southern portion of the existing

Northwest Eastman Parkway right-of-way to be vacated consists of the extension of an ADA ramp crossing at a private driveway and will therefore not impact access and mobility.

GOAL 3: Facilitate development of a transportation system that aligns with adopted local and regional land use plans, is responsive to the surrounding community and is cost effective to develop and maintain.

Finding:

Currently, the Northwest Sleret Avenue right-of-way serves no circulation function or connectivity purpose. Continuation of this alignment of Northwest Sleret Avenue will not be in compliance with the Civic Neighborhood street grid adopted in 2018 and the Civic Neighborhood Concept Plan. Vacating the Northwest Sleret Avenue right-of-way will allow for future development to establish the necessary and appropriate alignment for the future extension of Northwest Sleret Avenue to Northwest Burnside Road that is consistent with the adopted Civic Neighborhood Streets and Future Streets map.

Northwest Eastman Parkway is improved, and the vacation of the proposed right-of-way would not impact circulation or connectivity functions. Northwest Eastman Parkway, in its current configuration, is not built to the Standard Arterial cross section outlined in the TSP. The current Northwest Eastman Parkway right-of-way alignment has two “jogs” in the existing alignment, creating a variable right-of-way width which could complicate the entitlement process. Vacating these two “jogs” in the Northwest Eastman Parkway right-of-way alignment will allow for future development to establish the appropriate alignment and facilitate the full construction of NW Eastman Parkway to the Standard Arterial cross-section.

Policy 3: Provide a transportation system that maximizes accessibility to and within regional centers, town centers, transit corridors, station areas, and employment centers.

Action Measure 1: Protect existing and planned transportation corridors from conflicts with adjacent land uses by the adoption of: Future Street plans; Street design standards and classifications that reflect adjacent land use designations; Access management standards; Appropriate land use designations; and Development requirements including setbacks, buffering and landscaping standards, building orientation, density transfer provisions, easements, and right-of-way dedication.

Finding: Vacation of the unimproved Northwest Sleret Avenue right-of-way will allow for the re-establishment of the correct alignment of the future extension of Northwest Sleret Avenue to Northwest Burnside Road as outlined in the Civic Neighborhood Streets and Future Streets Plan. Removal of both the Northwest Sleret Avenue and Northwest Eastman Parkway rights-of-way will not adversely impact accessibility of the surrounding neighborhood to the Gresham City Hall Max station and the Civic Drive Max station. Road, bike and pedestrian access from all developed properties can be fulfilled using existing rights of way of Northwest Burnside Road, Northwest Civic Drive, and Northwest Eastman Parkway.

Section 10.320.1 Street System:

Policy 2: Develop a street system that meets current needs and anticipated future population growth and development.

Action Measure 5: Favor system improvements that: consider using existing roadway capacity, signals, and access more efficiently; reduce and manage single occupant vehicle travel demand or control travel demand growth through transportation-efficient land use and pricing incentives prior to adding roadway capacity in lanes and new facilities; provide safe and convenient travel options. Consider new roadway construction only where it would provide a complete network, enhance system efficiency, or where improvements to the existing street system are not feasible.

Finding: The K-Mart site has been identified as a site with high redevelopment potential that could offer new district uses and amenities as well as supporting an estimate of 500-1,100 additional housing units. With the adoption of the 2018 Civic Neighborhood Streets and Future Streets Plan, Northwest Sleret Avenue is no longer in the correct alignment and would therefore not achieve a complete street network if constructed. Vacating the existing Northwest Sleret Avenue and Northwest Eastman Parkway rights-of-way will streamline the redevelopment potential of the site and allow for the correct alignments and connectivity to be established with a future development proposal.

Policy 3: Provide a street system that maximizes accessibility and mobility within the community.

Action Measure 4: Implement the Future Street Plan and street connectivity standards to ensure the development and completion of logical and continuous local street patterns

within residential and mixed-use areas as development occurs. Per the Future Street Plan and street connectivity standards, new development must provide for the continuation and inter-connection of existing streets and must avoid long dead-end street patterns.

Action Measure 5: Implement adopted City code standards for public streets and land division that reinforce the public street system as the City's essential framework for safe, convenient, and efficient neighborhood circulation, property access, emergency response, public facilities and utilities for all properties.

Finding: The current Northwest Sleret Avenue and Northwest Eastman Parkway alignments are not necessary to maximize accessibility and mobility of the area.

The Civic Neighborhood Plan District includes a street grid and future street plan that was adopted in 2018 and supersedes the City's TSP. The Civic Neighborhood future street plan depicts a northerly extension of Northwest Sleret Avenue that is in a different alignment than the current Northwest Sleret Avenue right-of-way (Figure 1). Vacation of this street would remove the incorrect alignment.

The existing Northwest Eastman Parkway right-of-way serves no circulation or connectivity purpose nor is it planned for any future street extensions. Vacation of the existing right-of-way would re-establish the appropriate alignment for Northwest Eastman Parkway and facilitate the construction of the full street with future development.

Figure 1. Civic Neighborhood Future Street Plan



- b. **Whether the vacation will substantially reduce the market value of abutting property. This criterion need not be considered if the owners of the property affected consent to the vacation or provisions have been made to pay damages.**

Finding: Because this vacation was initiated by the City Council on May 21, 2024, a petition by abutting property owners is not required.

Consent from 100 percent of abutting property owners has not been acquired and no provision is being made to pay damages. The proposal must therefore not substantially reduce the market value of abutting property.

The abutting property to the east and west of the Northwest Sleret Avenue right-of-way is an existing LA Fitness facility owned by Hip Gresham Station LLC that is in fair condition with appropriate street access achieved from Northwest Council Drive to the east that could support future redevelopment of the property. Removal of the undeveloped Northwest Sleret Avenue right of way is therefore not anticipated to substantially reduce the market value of the LA Fitness properties.

The abutting property to the south of the Northwest Sleret Avenue

right-of-way and west of the Northwest Eastman Parkway right-of-way is the K-Mart site owned by RFC Joint Venture. This K-Mart property has been identified as a high-profile site in the Civic Neighborhood that has the potential to catalyze the development of the neighborhood in accordance with the community vision outlined in the Civic Neighborhood Concept plan project that is currently underway. Removal of the Northwest Sleret Avenue and Northwest Eastman Parkway rights-of-way is therefore not anticipated to reduce the market value of the K-Mart property.

c. Whether the public interest will be prejudiced by the vacation.

Finding: Findings in this staff report lead staff to conclude that the public interest for an interconnected street network and for adequate access to private property that allows development according to the base plan district standards will not be prejudiced by approval of this vacation.

Vacation of the right-of-way will not adversely affect the City's connectivity and street access goals, meanwhile it could streamline the redevelopment potential of a key site within the Civic Neighborhood Plan District.

3. Reservations and Conditions (Section A7.004) – The Council may attach the following reservations and conditions to the approval of a vacation:

- A. That an easement for a public facility, publicly owned utility or other utility be reserved.
- B. That a public facility, publicly owned utility or other utility be constructed, relocated or removed.
- C. That a plat to be vacated be replatted.

Finding: There are no known public facilities or publicly owned utilities present within the right-of-way to be vacated. This was confirmed based on existing public facility as-built information in the City's Geographic Information System's database, as well as by Development Engineering staff.

There do not appear to be any overhead power or communication lines present within the area to be vacated.

IV. STAFF & AGENCY COMMENTS

The comments and requirements submitted as of the date of this staff report from various City staff regarding compliance are incorporated in this staff report as Exhibit E. The City's VAC-24-00399 Civic Street Vacation

Transportation, Sewer, Fire, and Stormwater departments all submitted no comment.

V. CONCLUSION:

The request by the City of Gresham to vacate the portion of Northwest Sleret Avenue immediately abutting the south side of Northwest Burnside Road and the portions of Northwest Eastman Parkway immediately abutting the 440-550 Northwest Burnside Road in the Civic Neighborhood is consistent with the Gresham Community Development Plan, as stated in the findings above and may be approved.

VI. RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed vacation of the portion of Northwest Sleret Avenue immediately abutting the south side of Northwest Burnside Road and the portions of Northwest Eastman Parkway immediately abutting the 440-550 Northwest Burnside Road in the Civic Neighborhood.

End of Staff Report